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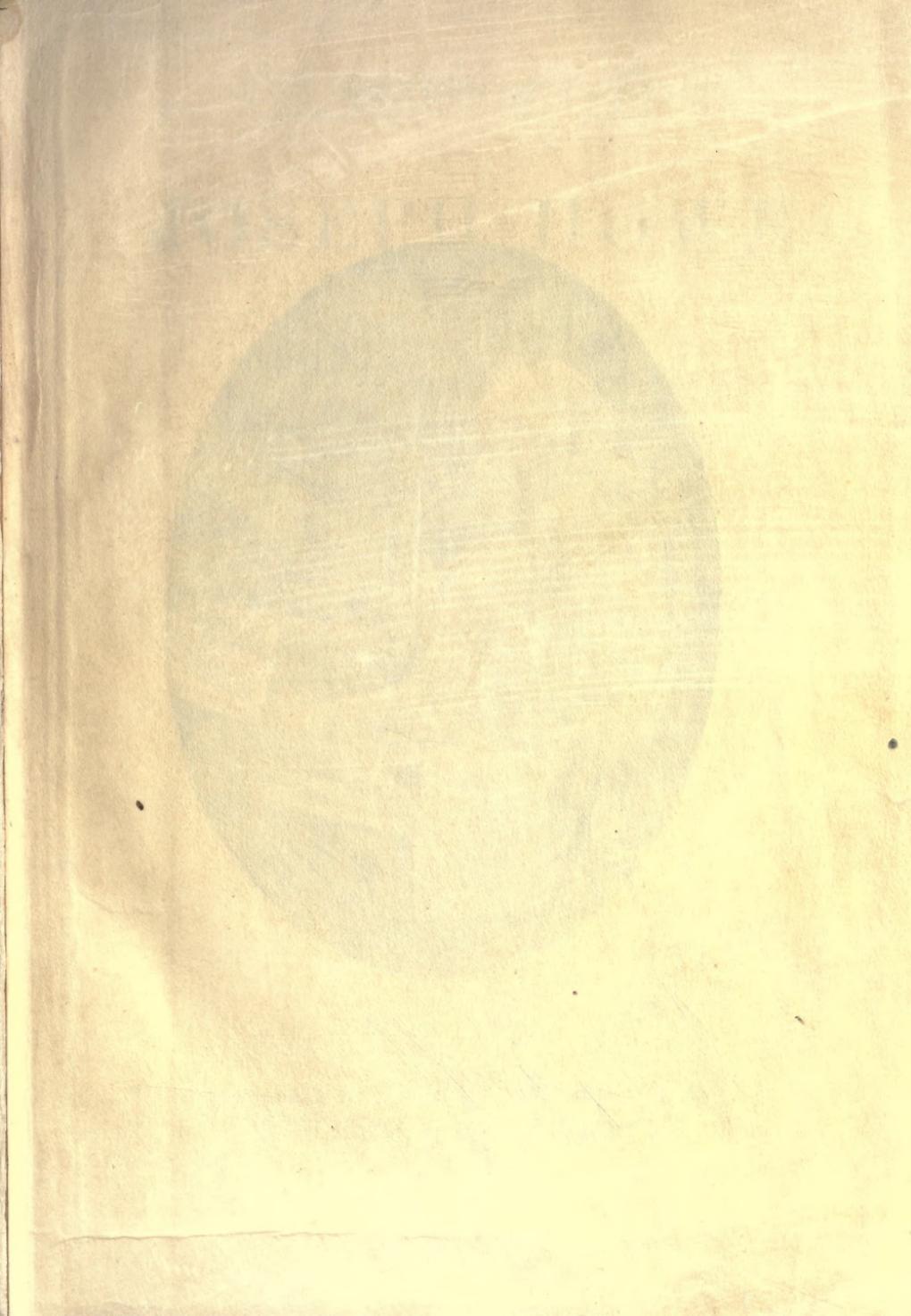
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Joseph Howe

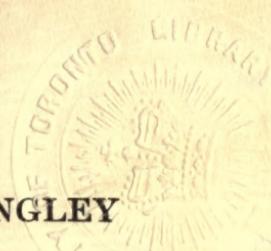
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THE MAKERS OF CANADA

JOSEPH HOWE

BY

HON. J. W. LONGLEY



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CHAPTER I

BIRTH AND YOUTH

JOSEPH HOWE was born at Halifax, Nova Scotia, December 13th, 1804. Those who are familiar with the topography of Halifax have seen the beautiful sheet of water called the North West Arm, which lies on the western side of the city and forms the peninsula on which the city is situated. The scenery, though rugged, is delightful, and the cottage in which Mr. Howe was born was built on this Arm, two miles from the heart of the city, then containing scarcely more than ten or twelve thousand people.

His father was John Howe, who was descended from one of four brothers who came from the southern part of England to the New England States in the 17th century. John Howe was the only one of the family in New England who remained loyal to Great Britain at the time of the revolution, and he came to Nova Scotia after the evacuation of Boston. Mr. Howe was a Loyalist, devoted to England and British institutions, and he infused into his son a deep-seated regard and attachment for the empire. In a great speech delivered at Southampton, England, in 1851, Joseph Howe, referring to his father, uttered the following

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tribute, which gives a striking indication of his British tendencies:—

“His bones rest in the Halifax churchyard. I am his only surviving son, and whatever the future may have in store, I want when I stand beside his grave to feel that I have done my best to preserve the connection he valued, that the British flag may wave above the soil in which he sleeps.”

Mr. John Howe was first married in Boston to a Miss Minns, by whom he had three sons, John, David and William, and three daughters. On the death of his first wife, Mr. Howe married Mary Austin, *née* Edes, a daughter of Captain Edes, who with his wife and child had come out from England and by chance remained in Halifax. This second wife bore him two children, a son and a daughter. The daughter lived to be married, but died soon after at sea. The son was Joseph, whose achievements and career it is the purpose of this work to chronicle.

The task imposes unusual responsibility. To say that Joseph Howe ranks foremost amongst the statesmen produced in British North America and occupies a front position among the makers of Canada does not convey all that a full and just biography of the man would entail. Many men in British North America have been distinguished by successful public careers, and have earned a lasting place in the history of their country by their talents, achievements and devotion, but Howe, while

Church of St. Paul, Halifax, about 1760

Drawn on the spot by Richard Short



EDUCATION

unsurpassed as a statesman, possessed qualities not usually associated with public life. He was a man of vivid imagination, unfailing wit, a poet and *littérateur*, whose unique personality places him in marked contrast with most of the political leaders of British North America with whose names his must be historically associated. The brush that paints his character aright should have delicate touches and command of various hues and shades of colour.

Young Joseph Howe had few opportunities of obtaining an education. His father's house was two miles from the nearest city school and he was able to attend only in the summer months, when these two miles were traversed on foot each morning and afternoon. In winter he was kept at home. His father, however, was a man of culture. Shortly after his arrival in Halifax he became king's printer, and after that he held the important position of postmaster-general for the Maritime Provinces, including in his duties the care of the post-office at Halifax. He devoted himself to the cultivation of the mind of his youngest son, who spent his winter evenings in reading and study. During all his life Joseph was a voracious reader, and the librarian of the legislative library was heard to declare that Mr. Howe had read nearly all the books in the library.

Joseph, throughout his life, in his public utterances referred to his father with veneration. On one occasion, speaking of him, he used these words:—

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“For thirteen years he was my instructor, my playfellow, almost my daily companion. To him I owe my fondness for reading, my familiarity with the Bible, my knowledge of old colonial and American incidents and characteristics. He left me nothing but his example and the memory of his many virtues, for all that he ever earned was given to the poor. He was too good for this world; but the remembrance of his high principles, his cheerfulness, his child-like simplicity, and truly Christian character, is never absent from my mind.”

Joseph had a splendid physique, and, as he grew to manhood, was finely proportioned, and of a robust constitution. He was fond of sports and of rambling in the woods, and very early gave indications of possessing a poetic temperament.

Although Mr. John Howe held offices to which slight emoluments were attached, he possessed no tendency to accumulate, and, as a consequence, at the age of thirteen, it was felt necessary that Joseph should obtain employment. His father was king's printer, so Joseph was employed in the office of the *Gazette*, and taught the trade of a printer, varying this occupation by occasionally assisting in the post-office at Halifax.

Thus it will be seen that Howe started his career without the advantages of a university education or even of a complete common school course, and he is not the only conspicuous instance of a man who has achieved, not only a distinguished position,

JOURNALISM

but an admirable command of English composition, without a study of the ancient classics.

During the ten years of apprenticeship Howe composed many fugitive poems, which appeared anonymously in the newspapers in Halifax. One poem entitled "Melville Island," attracted more than usual attention. Near the head of the North West Arm stands a little island, most picturesquely situated in a small cove, surrounded by verdure-covered hills. Upon this island was erected a military prison, very soon after the settlement of Halifax, and prisoners were confined there during the French war, and the war of 1812-15. At the time of the publication of the poem the Earl of Dalhousie was lieutenant-governor of the province, and he was so far impressed with the merits and beauty of the verses that he invited the young author to government house, loaded him with praise, and entered his name upon the invitation lists, which, considering the exclusive character of the government house coterie in those days, was an honour somewhat unusual, but, as events will show, not producing any marked results in the birth of aristocratic tendencies on the part of the recipient.

In 1827, when Howe was twenty-three years of age, having, as he conceived, sufficiently served his apprenticeship, he embarked, in connection with Mr. James Spike, on a journalistic career by purchasing the *Weekly Chronicle*, a newspaper which was then being published by Mr. William Minns. The name

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of the paper was changed to the *Acadian*, and Mr. Howe, at this early age assumed the duties of editor. It was not a political paper, and its columns give no indication of that wonderful mastery of political topics which its editor afterwards developed. It furnished news, and its editorial columns were devoted to sketches of scenery and local affairs. It was somewhat literary in its scope and published a considerable amount of poetry, much of it the composition of the editor.

Howe's connection with the *Acadian* was brief. Before the end of the year he sold his share in this paper to his partner and purchased the *Nova Scotian*. This ambitious and widely circulated paper was then owned by Mr. George R. Young, a son of Mr. John Young, the author of the *Letters of Agricola*, which had aroused the people of Nova Scotia to interest in agriculture, and a brother of William Young, who for many years occupied a commanding position in the political field in Nova Scotia, and afterwards became chief justice of the province, and was honoured with knighthood. Mr. Howe paid £1,050 for the *Nova Scotian*, and in January, 1828, he became sole editor and proprietor. It is probable that he was able to pay but a very small portion of this price at the beginning, and since in a small community the task of making a weekly newspaper profitable was far from being an easy one, many of Howe's friends had serious misgivings as to his ability to make the venture successful.

TOURS OF THE PROVINCE

Howe himself was duly sensible of the difficulties surrounding it, but he had a lion's heart and a cheerful disposition, and addressed himself to the work before him with unflinching courage and dauntless zeal.

At that time the English mails were fully two months on their passage, being carried by sailing packets, and the collecting of English and foreign news was therefore difficult and uncertain. Howe toiled day and night to give tone and character to the paper, and at the same time to secure for it a wide constituency throughout the province. He wrote its editorials and collected its news, and he introduced in the course of time a new feature in publishing reports of debates in the House, and of trials and arguments in the courts of law. Howe did the reporting himself, and Mr. Fennerty describes him as seated in the gallery of the House day after day, taking notes upon the crown of his hat, and then, after the adjournment of the House, working until late at night making transcripts of his notes, with little time reserved for sleep.

In order to extend his paper's circulation and establish connections with the rest of the province, Howe was accustomed, when time permitted, to make tours of different parts of the province on horseback or on foot, for in those days railways and other easy and quick modes of communication were unknown. In this way he acquired a very intimate knowledge of all parts of the province, and of the

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views and feelings of the people, and he utilized such information as he was able to collect during these various tours for furnishing material for a series of charming letters entitled, "Rambles." These letters were written in an easy, conversational style, and set forth the splendid agricultural resources, the opportunities of developing industries, the need of commercial facilities, and, added to all, the scenic charms and beauties of the province. They awakened people to a sense of the value and importance of their country and aroused emulation, which has made itself felt, if not in active industrial development, at all events in a tendency to intellectual progress, which has placed Nova Scotia first in the number of ambitious and able men which it has contributed to the public life of British North America.

Shortly after assuming control of the *Nova Scotian*, in January, 1828, Mr. Howe was married to Catharine Susan Ann McNab, the daughter of Captain John McNab of the Royal Nova Scotia Fencibles. Mrs. Howe was a woman admirably adapted for the position of helpmeet and companion to a busy public man. She was endowed with excellent mental gifts, and above all, possessed of sound judgment and unerring common sense. Howe himself was inclined to be indifferent in financial matters, and somewhat impulsive, occasionally rash, in political movements, and Mrs. Howe usually exercised a wholesome restraining

MARRIAGE

influence upon the impetuous tendencies of her distinguished husband. She believed in him, had faith in him, and was ever ready to cheer him with her encouragement as well as restrain him by her counsel. As will be seen in the unfolding of Howe's character, he was a man of exceedingly social and convivial temperament, and, as he was from the earliest times quick in making friendships, unfailingly genial and fond of boon companionship, his house was always open to his friends. It sometimes happens that the most amiable wives are indisposed to have their domestic repose continually invaded by hosts of friends at all times and seasons. Mrs. Howe gracefully acceded to her husband's tendencies in this direction, and thus contributed not only to his enjoyment, but also to his power.

For seven years Howe devoted himself to his work of making the *Nova Scotian* the first and chief newspaper in Nova Scotia. In respect of politics his editorial career may be characterized as an evolution. During the first year the paper was devoted to his "Rambles," and to a series of clever papers entitled, "The Club." They were the joint offspring of several bright men, of whom Howe was the chief, and were framed somewhat on the model of the "Noctes Ambrosianæ." The chief contributors were Thomas C. Haliburton (Sam Slick), Lawrence O'Connor Doyle, Dr. Grigor and Captain Kincaid. These men, most of whom afterwards became distinguished, held their meetings and

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planned their sketches in Mr. Howe's house. Associated with them as Howe's friends were S. G. W. Archibald, Beamish Murdoch, Thomas B. Aiken, Jotham Blanchard, Andrew Shields and George Thompson. "The Club" dealt with the various questions of the day, including pointed references to prominent officials and public affairs.

In 1829, Howe published a history of Nova Scotia written by Haliburton, but antedating the publication of those inimitable sketches, beginning with "Sam Slick," which have since made his name favourably known to the English-speaking world. This book was a valuable contribution to the historical research of the province, but it proved to be an unsuccessful financial operation and Howe lost heavily on the publication. Howe and Haliburton, however, continued to be friends until the latter's death, although political differences inevitably arose at a later period, which, perhaps, somewhat diminished their intimacy for a time.

In 1829, Howe began to write upon political topics, and to deal with great independence, courage and dexterity with the questions which began in a more conspicuous manner to engage the attention of the legislature. It was in 1830, however, that he commenced the publication of his legislative reviews, which were afterwards continued from year to year. A seat in the press gallery and a careful reporting of the proceedings of a legislative body is, perhaps, the best possible training for a political career, and

POLITICAL EDUCATION

in this way Howe obtained a grip and mastery of the political situation in Nova Scotia difficult, if not impossible, of attainment by any other means. The press often affords better facilities for obtaining a political education than a seat in parliament. The member is in his place for three or four months in the year ; the remainder of the time he is at his home attending to his duties. A political editor is in the field throughout the year, and follows with accuracy the movements on the political chessboard at all times and at all seasons.

CHAPTER II

COLONIAL GOVERNMENT

THE political problems confronting the people of Nova Scotia in 1830, when Howe began to take an active part in political discussions, were essentially the same as those which were agitating all the provinces of British North America. The struggles of the next few years in all parts of British North America may be characterized as an evolution of the principles of self-government. The imperial government was somewhat perplexed to determine an accurate policy in respect of that portion of North America which had remained loyal to the empire during the great revolutionary struggle, and had become the home of the United Empire Loyalists when the revolting colonies had obtained their independence. When the treaty of peace was signed in 1783, no very high estimate of the value of the remaining possessions in North America was entertained by the English people. The population was extremely small. Nova Scotia had only a few thousands of English-speaking people; New Brunswick was constituted a province not until 1784, and had but a paltry handful of settlers. Prince Edward Island was a small island with very few inhabitants, and Canada, which was

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the most important division of them all, meant at the beginning, for the most part, Lower Canada, which was preponderatingly French and governed very largely as a Crown colony.

The experience of the imperial authorities in governing the large English colonies, which had just successfully revolted, left them in a somewhat confused condition as to what course should be pursued in the government of those remaining loyal. If too much was conceded, they feared that revolt and independence would ensue ; and, if too firm a policy was adopted, these small communities might be driven to cast in their fortunes with the republic beside them. To all, legislatures had been conceded, but to these legislatures all power was not committed. The legislative council, or second chamber, of all of them was composed of the direct nominees of the Crown, and these were chosen from the wealthy or official class especially devoted to maintaining the interests of the executive. The lieutenant-governor acted under a commission which gave him large control, and, therefore, while the legislature existed necessarily for the purpose of law-making, it did not for a moment possess the power of determining the political complexion or policy of the executive. It did not even possess the greatest leverage which the House of Commons from the earliest time has possessed, the control of supplies. The revenue of these provinces was derived from three sources : first, duties on certain

FREEDOM FROM CONTROL

classes of imports, which duties were collected by virtue of imperial acts, their control being vested in the governor; secondly, sales of Crown lands, also treated as a prerogative of the Crown, and the money received from these lands was at the disposal of the king's representative without respect to the legislature. In addition to these, there was another source of revenue derived from duties on imports imposed by the provincial legislature. The control of this money was in the hands of the people's representatives, but from the first two sources enough money was obtained for the purpose of carrying on the government, paying the salaries of officials from the lieutenant-governor down, including the judges and departmental officers of the government. Therefore, it was quite possible for the governor and his friends and officials to go on administering the affairs of the country according to their own views, whether the legislature was favourable or not, because they had at their own command the monies to pay their salaries and administer executive functions generally.

The result of this condition of things could easily be foreseen. The official class would continue to please themselves, and as one favourite departed from the scene another favourite would be chosen to occupy his place, and in consequence the real functions of government would be in the hands of a privileged class, and the great mass of the people

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permanently excluded from all hope of participation therein.

Such were the conditions of government in all the provinces. In Upper Canada the governing class was dubbed "the family compact"; in Lower Canada it was "the oligarchy"; in Nova Scotia those supporting the government were called "Tories," but the substantial point at issue was the same in all. English-speaking people, wherever placed, will invariably struggle for the right of self-government. The people of England were the very first who insisted upon popular representation and continued the struggle for several centuries, until the power of the House of Commons ultimately overshadowed the power of both the Crown and the Lords. At the time of which we speak Great Britain enjoyed the full privileges of responsible government. No administration could exist for a moment which did not command the support of the House of Commons, and the power of the Crown was limited by checks and guards which the constitutional privileges of the Commons had securely grasped. The sovereign could spend no money until it had been voted by the Commons; he could carry on no war until the means for sustaining such war had been voted by the Commons; his advisers must always be men who had the confidence of the people as represented in the Commons. As all these various provinces adhered to Great Britain, and as a considerable portion of the population were the descendants of

UNSATISFACTORY CONDITIONS

Loyalists who had sacrificed everything for British connection, naturally these men looked to England for models of government, and it was inevitable that nothing would ultimately satisfy them but a condition of responsibility to the people as full and ample as that which prevailed in the motherland.

Such a condition did not prevail in any of the British North American provinces in 1830. The lieutenant-governor, as has been seen, exercised powers under commission far in excess of those which any British sovereign would have dreamed of assuming. The members of the executive council were chosen at the will of the governor, and all the important offices of the province were in the hands of a few favourites, and, in the case of Nova Scotia, mostly members of the Church of England. It did not concern the members of the executive or such officials as the provincial secretary, the attorney-general, etc., whether the House of Assembly was favourable to their policy or not. Their tenure was the will of the Crown. If a vacancy in an important office occurred, the strings were at once pulled at Downing Street for appointment to the vacancy, and this system of favouritism and lack of responsibility to the popular will, not only prevailed in the capital and in connection with the government, but it existed in all the shire towns in respect to the county offices, such as sheriffs, prothonotaries and clerks of the Crown, customs officers, registrars of deeds, etc.

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Previous to Howe's advent to the political arena, many men had arisen in the legislature who were disposed to enlarge the powers of the House and curtail the extraordinary powers of the governing authorities. In Nova Scotia, one anomaly, especially objectionable, existed. The executive and legislative councils were identical, that is, the same men who, in their capacity as a second chamber, passed upon all laws, constituted the executive council to execute them. In this council sat the chief justice, the bishop, the collector of customs and other officials. When acting as a legislative council, while the legislature was in session, this body sat with closed doors and its deliberations were as secret as when acting in its capacity as an executive council. Such men as S. G. W. Archibald, Alexander Stewart, Beamish Murdoch, Jotham Blanchard and others had already begun to assert the powers and privileges of the House of Assembly, and by a free criticism of the existing conditions had frequently come into conflict with the "Council of Twelve," as the legislative and executive council was then called, (owing to the fact that it was composed of twelve members). Through the influence and agency of these men, a large proportion of the population of the various counties had become imbued with liberal principles; but these leading reformers had always been careful to avoid any definite or far-reaching measures which would bring them into direct conflict with the governor and

ADVANCING LIBERALISM

the influential men who surrounded him. At that time government house was the social centre of the city and no man who aspired to occupy an important place in the affairs of the province cared to risk exclusion from the governor's dinner table. The consequence was, that, notwithstanding the existence of a Liberal party contending for the rights of the people in the House of Assembly, nothing definite in the way of sweeping away existing abuses or of introducing a system of executive responsibility had been yet accomplished.

Mr. Howe as early as 1830 began in his newspaper to take an active part in the discussion of political matters, at first with considerable prudence and impartiality, but by degrees he became imbued with Liberal principles, and the columns of the *Nova Scotian* for the next five years exhibited a steady advancement on the part of Howe in the direction of ultra reform principles. In 1830 a general election took place, and Howe took an active part in supporting candidates of the popular party in this election. The composition of the assembly returned was decidedly favourable to those who were struggling for a system of popular government, but, during the five or six years that this legislature continued, nothing substantial was accomplished, and all the efforts of the so-called reformers ended in failure. They were, as a matter of fact, constantly overawed and baffled by the council of twelve. Howe, during this period began

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to write boldly in support of reform measures, and not only gave offence to the government by his attitude, but also drew upon his head the enmity of the Liberal members by stoutly demanding that they go forward and do the work for which they were elected.

In 1835 fate presented a great opportunity to Howe. At this time the city of Halifax had no charter and was governed as a part of the county of Halifax by a bench of magistrates appointed by the governor, and in no sense responsible to the people. The general belief then prevailing was that this bench of magistrates had become negligent and corrupt in the administration of the affairs of the city, and Howe was quite free with his criticisms of this body from time to time. At last he published a letter signed "The People," arraigning the magistracy of Halifax in scathing terms. The writer declared that he ventured to affirm, without the possibility of being contradicted by proof, that the magistracy had by one stratagem or another taken from the pockets of the people in fines, exactions, etc., amounts in the aggregate that would exceed £30,000. "Could it not be proved," he said, "and is it not notorious that one of the present active magistrates has contrived for years to filch from one establishment, and that dedicated to the poor and destitute, at least £300 per annum?" He further declared that from the pockets of the poor and distressed at least £1,000 was drawn annually and

PROSECUTION FOR LIBEL

pocketed by men whose services the country might well spare.

The result of the publication of this letter was startling. The magistrates of Halifax, a powerful body, tendered their resignation, and they also demanded the prosecution of Howe for libel. The attorney-general submitted an indictment for criminal libel to the grand jury of the county, and a true bill was found. The magistrates believed, undoubtedly, at this moment that Howe, whose newspaper was becoming very troublesome to the governing class, was about to be destroyed. It was known that he was without means and that the entire influential class was hostile. He would be tried by a chief justice appointed by the governor, and a member of the council of twelve. He would be prosecuted by an attorney-general identified with the government and interested in maintaining the privileges of the chosen few. Once convicted and sentenced to imprisonment, as they hoped, his paper would be destroyed, he himself discredited and ruined, and a blow thereby struck which would have its due moral effect upon any other incipient reformer who might essay to follow in his footsteps.

Howe's conduct in respect to this libel suit marks in a striking manner the moral fibre of the man. He has furnished an account of his course when confronted with the indictment. This is probably the most authoritative statement of the matter:—"I went to two or three lawyers in

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succession, and showed them the attorney-general's notice of trial, and asked them if the case could be successfully defended. The answer was 'No. There was no doubt that the letter was a libel. That I must make my peace or submit to fine and imprisonment.' I asked them to lend me their books, gathered an armful, threw myself on a sofa and read libel law for a week. By that time I had convinced myself that they were wrong and that there was a good defence, if the case were properly presented to the court and jury. Another week was spent in selecting and arranging the facts and public documents on which I relied. I did not get through before a late hour of the evening before the trial, having only had time to write out and commit to memory the two opening paragraphs of the speech. All the rest was to be improvised as I went along. I was very tired but took a walk with Mrs. Howe, telling her as we strolled to Fort Massey, that if I could only get out of my head what I had got into it, the magistrates could not get a verdict. I was hopeful of the case, but fearful of breaking down, from the novelty of the situation and from want of practice. I slept soundly and went at it in the morning, still harassed with doubts and fears, which passed off, however, as I became conscious that I was commanding the attention of the court and jury. I was much cheered when I saw the tears rolling down one old gentleman's cheek. I thought he would not convict me if he could help it. I

A BOLD RESOLVE

scarcely expected a unanimous verdict, as two or three of the jurors were connections, more or less remote, of some of the justices, but thought they would not agree. The lawyers were all very civil, but laughed at me a good deal, quoting the old maxim that 'he who pleads his own case has a fool for a client.' But the laugh was against them when all was over."

Up to this period, although for seven years actively engaged in newspaper work, there is no record that Howe had ever undertaken to deliver a speech in public, and yet, rejecting the advice of the lawyers, he was proposing to face a court politically hostile, the attorney-general and associate counsel, and boldly make his own defence in a criminal action, in which under the rules of law, he would be precluded from offering evidence in support of the truth of the statements in the libel. The difference between a great man and an ordinary commonplace man is usually manifested by one or two striking incidents. The ordinary man, in Howe's situation, would have made his peace with the magistrates. A careful apology would have been drawn up and published in the *Nova Scotian*, the proceedings withdrawn, and the abuse not only continued but fortified by this token of cowardly surrender. The great man, the heaven-inspired hero, is he who is able to brush aside all considerations of expediency, all timorous opportunism, and recognizing the moral principles involved in the issue, boldly

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dares to put everything at stake and challenge fate. Such a man was Joseph Howe, and in the splendid heroism which characterized his action in 1835 we have the key to the qualities and character of one of the greatest men British America has yet given to the world.

The day of trial came. Sir Brenton Halliburton, the chief justice, presided, Mr. S. G. W. Archibald, the attorney-general, prosecuted, and with him was associated Mr. James F. Gray, a well known advocate. A jury was sworn, and Mr. Gray opened the case for the Crown. At the conclusion of the opening address Mr. Hugh Blackader was called to prove publication, but did not appear, because, being in warm sympathy with Mr. Howe, he refused to attend. Steps were about to be taken to issue a warrant for his arrest. Not to be excelled in generosity, Howe arose promptly and admitted that he was the proprietor of the *Nova Scotian*, and that the article had appeared in that paper on January 1st, with his knowledge. The Crown's case being thus admitted, Howe rose to speak in his own defence. That speech has been preserved and can be found in the "Speeches and Public Letters." It was delivered by a layman, unused to courts, and at that time unused to public speaking. Many of the topics dwelt upon in his speech were local in their character and are of no permanent interest to the world, but nevertheless, it is scarcely going too far to say that the whole history of forensic eloquence

THE ADDRESS

in British jurisprudence has rarely furnished a more magnificent address to a jury than Mr. Howe's, and certain passages of it will not suffer when placed side by side with the great forensic orations of Burke, Sheridan, Erskine and Webster.

One would have expected some timidity from a man situated as Howe was, but he had scarcely proceeded ten minutes before he assumed a bold and aggressive tone, and this he maintained to the end. He commented very early upon the fact that instead of taking proceedings against him civilly for libel, in which case he would have been able to furnish proof of the statements, they had chosen to proceed criminally, by which method all enquiry as to the truth or falsity of the libel was precluded, and only his motive in publishing it could be judicially enquired into. "Why," he demands, "if they were anxious to vindicate their innocence, did they not take their proceedings in a form in which the truth or falsity of the statements made could have been amply enquired into?" And then he answers the question in these terms:—

"Gentlemen, they dared not do it. Yes, my Lords, I tell them in your presence and in the presence of the community whose confidence they have abused, that they dared not do it. They knew that 'discretion was the better part of valour,' and that it might be safer to attempt to punish me than to justify themselves. There is a certain part of a ship through which when a seaman crawls, he

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subjects himself to the derision of the deck, because it is taken as an admission of cowardice and incompetence ; and had not these jobbing justices crawled in here through this legal lubber-hole of indictment, I would have sent them out of court in a worse condition than Falstaff's ragged regiment—they would not have dared to march, even through Coventry, in a body."

It is difficult to avoid the temptation of quoting many passages from this remarkable speech, but, as it occupied six and one-quarter hours in delivery and covers many pages, this is impossible. A paragraph or two of the peroration may be fittingly inserted, which cannot fail to impress any one possessed of a shadow of sentiment or imagination with the wonderful power of this young man.

"Will you, my countrymen, the descendants of these men ; warmed by their blood ; inheriting their language ; and having the principles for which they struggled confided to your care, allow them to be violated in your hands ? Will you permit the sacred fire of liberty, brought by your fathers from the venerable temples of Britain, to be quenched and trodden out on the simple altars they have raised ? Your verdict will be the most important, in its consequences, ever delivered before this tribunal ; and I conjure you to judge me by the principles of English law, and to leave an unshackled press as a legacy to your children. You remember the press

INDEPENDENCE OF THE PRESS

in your hours of conviviality and mirth—oh! do not desert it in this its day of trial.

“If for a moment I could fancy that your verdict would stain me with crime, cramp my resources by fines, and cast my body into prison, even then I would endeavour to seek elsewhere for consolation and support. Even then I would not desert my principles, nor abandon the path that the generous impulses of youth selected, and which my riper judgment sanctions and approves. I would toil on, and hope for better times—till the principles of British liberty and British law had become more generally diffused, and had forced their way into the hearts of my countrymen. In the meantime I would endeavour to guard their interests—to protect their liberties; and, while Providence lent me health and strength, the independence of the press should never be violated in my hands. Nor is there a living thing beneath my roof that would not aid me in this struggle; the wife who sits by my fireside, the children who play around my hearth; the orphan boys in my office, whom it is my pride and pleasure to instruct from day to day in the obligations they owe to their profession and their country, would never suffer the press to be wounded through my side. We would wear the coarsest raiment; we would eat the poorest food; and crawl at night into the veriest hovel in the land to rest our weary limbs, but cheerful and undaunted hearts; and these jobbing justices should feel, that one frugal

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and united family could withstand their persecution, defy their power, and maintain the freedom of the press. Yes, gentlemen, come what will, while I live, Nova Scotia shall have the blessing of an open and unshackled press."

He was replied to by the attorney-general, and the jury was charged by the chief justice, whose instructions to the jury were decidedly unfavourable to the defendant. In summing up he said:— "In my opinion, the paper charged is a libel, and your duty is to state by your verdict that it is libellous."

It is needless to say that the court-house was thronged from beginning to end of the trial, which occupied two days. After the judge's charge the jury retired, but they only deliberated ten minutes. When they filed into the box and pronounced their verdict—"Not guilty," the immense crowd in and out of the court-house burst into vociferous cheers. On leaving the court-house, Howe was borne to his home upon the shoulders of the populace. Bands paraded the streets all night, and Howe was compelled during the course of the evening to address the crowd from the windows of his house. He besought them to keep the peace, to enjoy the triumph in social intercourse round their own firesides, and to teach their children the names of the twelve men who had established the freedom of the press. Shortly afterwards a number of Nova Scotians residing in the city of New York raised a

ELECTED TO THE HOUSE

subscription and purchased a solid silver pitcher, bearing this inscription:—"Presented to Joseph Howe, Esq., by Nova Scotians resident of New York, as a testimony of their respect and admiration for his honest independence in publicly exposing fraud, improving the morals, and correcting the errors of men in office, and his eloquent and triumphant defence in support of the freedom of the press. City of New York, 1835."

This was forwarded to Halifax and presented to Mr. Howe publicly by a committee of leading citizens, and accepted by him in a graceful and modest speech.

This prosecution for libel, by one sudden bound, placed Howe in a most conspicuous place in the eyes of his fellow-countrymen. Early in the next year, 1836, the House of Assembly was dissolved and Howe and William Annand were chosen as the Liberal candidates for the metropolitan county of Halifax. Thus began the intimate friendship between these two men, which lasted without interruption until they separated, in 1869, upon the Repeal question. Both Howe and Annand were elected by large majorities. In his speeches on the hustings prior to this election, Mr. Howe laid down clearly the principles of government which he was seeking to establish in Nova Scotia. These may be epitomized in the following extract from one of his speeches:—

"In England, one vote of the people's representa-

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tives turns out a ministry, and a new one comes in, which is compelled to shape its policy by the views and wishes of the majority ; here we may record five hundred votes against our ministry, and yet they sit unmoved, reproducing themselves from their own friends and connections, and from a narrow party in the country, who, though opposed to the people, have a monopoly of influence and patronage. In England the people can breathe the breath of life into their government whenever they please ; in this country, the government is like an ancient Egyptian mummy wrapped up in narrow and antique prejudices—dead and inanimate, but yet likely to last forever. We are desirous of a change, not such as shall divide us from our brethren across the water, but which will ensure to us what they enjoy. All we ask is for what exists at home—a system of responsibility to the people extending through all the departments supported at the public expense.”

Thus, at length, Howe has achieved a seat in the assembly of his native province. The situation at that moment demanded high service if the entrenched system of irresponsibility and favouritism was to be swept away, and a form of responsible government established. The task must fall upon the shoulders of a man especially fitted for this work. No man had up to this time appeared upon the scene who had given evidence of the qualities necessary to achieve this great purpose, and it must

HOWE'S QUALITIES

be understood that the process by which responsible government could be extorted from the imperial authorities and made applicable to one province would be available for all the other British American provinces, and, indeed, would constitute a model for colonial government throughout the empire. It may be fitting for a moment to examine Howe's endowments for the great task which was now before him.

Howe had a splendid physique and an excellent physical constitution. His height was a little above the medium, with broad shoulders, well expanded chest, and a neat, well-formed figure with tapering limbs. He was reputed at the time to possess great physical strength and power. While lacking a scholastic education, he had, nevertheless, the advantages of a thorough training in journalism and had improved his mind by a wide range of reading of the best authors. Shakespeare seems to have been his favourite, and he was intimately familiar with his plays. His temperament was buoyant, and he may be characterized as a splendid optimist. He was eminently social and brimful of humour, which bubbled forth from hour to hour in his daily intercourse with his fellow-men. His mental powers were of the highest order; his mind was incapable of narrow views, and he looked at all questions from the broadest prospective. He had acquired a matchless style in writing, easy, natural, terse, luminous and spiced with an unfailing touch of human nature

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and graceful humour. Previous to his great speech at his trial for libel, he was not known to possess any special talent as a public speaker. That occasion revealed remarkable powers of eloquence, and from the time he entered parliament to the end of his career he enjoyed without diminution the reputation of being one of the greatest orators of his day and generation. His style of public speaking differed totally from that of other great men in British America with whom he may be contrasted. These brought information and sound reasoning to their public utterances, but, while Howe was surpassed by none in the range of his knowledge on great questions which he discussed, and had extraordinary powers of lucidity in unfolding his views and presenting his ideas in a plausible and taking manner, he differed from all his contemporaries in the wealth of imagination which he could throw upon any subject with which he was dealing, the delightful humour, and, above all, the subtle and irresistible personal magnetism which marked all his great public utterances. These are rare endowments, but they do not constitute the supreme test of Howe's fitness for the great work before him. Intellectual endowments and capacity to speak and write effectively are important qualities for a public man and political leader, but, beyond these, great occasions require moral stamina, dauntless courage, and these constitute Howe's crowning glory. His father's instincts were **Tory**,

MORAL HEROISM

his three elder brothers were distinctly in sympathy with the dominant Tory views of the day. All the influential agencies surrounding the capital and the outlying county towns were hostile to any radical change in the existing condition of affairs, and these elements formed a strongly entrenched power which it was difficult to resist and dangerous to attack. Howe, as has been said, was of an eminently social disposition and no one was better fitted to shine in society. To attack existing powers meant social ostracism, a penalty from which most men would shrink with dismay. It also meant that upon his head would fall all the thunder-bolts of ridicule and contempt which entrenched power can fulminate. Those who had been professedly fighting the battles in the assembly were not devoid of intellectual strength and of parliamentary eloquence and power, but they lacked the moral heroism which could challenge the worst and bring matters to a crisis. Such a man was Joseph Howe, and the events will presently show that he was one of those heroes so graphically portrayed in Carlyle, as now and then vouchsafed by Providence to mankind to straighten out the tangles which injustice and incompetency have created, and to introduce a new epoch into the conditions of human affairs. The history of the world is the biography of its great men. Howe was distinctly a maker of history.

CHAPTER III

RESPONSIBLE GOVERNMENT

THE general elections had been held in 1836 and the new parliament was called together early in 1837. The House of Assembly contained many men of experience and eminence. Mr. S. G. W. Archibald had for some time been a leader of the popular party and was a man of education and ability. Mr. Alexander Stewart, who had been associated with those fighting the battle of the assembly, was also an eminent lawyer and a man who has attained a recognized position in the history of the province. Mr. John Young (father of Sir William) was also a member of the assembly and a man of large and progressive views. Mr. Lawrence O'Connor Doyle was a man of the most delightful character, whom Mr. Howe—not a poor judge of such matters—regarded as the wittiest man he had ever met, and whose political career was only marred by his excessive indulgence in conviviality. Mr. James Boyle Uniacke was also in this legislature, and might be regarded, perhaps, as the leader and spokesman of the Tory party. Howe was thirty-two years of age, he was taking his seat in the legislature for the first time, and the task before him was, not only to confront those in

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this assembly who were unfavourable to a change in the constitution of the country, but to grapple also with those timid and conciliatory Liberal members, who were necessarily alarmed at the direct, uncompromising and bold manner in which the young member seemed determined to challenge existing conditions.

On the first day this new parliament met, Howe was upon his feet with a resolution which indicated the temper of his mind and the line of action which might be expected from him. It was in connection with the appointment of a chaplain. Although at that time the population of Nova Scotia was over 150,000, and the Church of England numbered less than 30,000, that body had nearly a monopoly of all the public offices, and of positions with emoluments attached. The council of twelve was composed of eight Episcopalians, three Presbyterians and one Catholic, and from time immemorial the chaplain of both Houses was chosen, as a matter of course, from the Episcopalian clergy. Howe's first resolution, when the appointment of a chaplain had been moved, was to this effect:—

“Resolved, That, representing the whole province, peopled by various denominations of Christians, this House recognizes no religious distinctions, and is bound to extend not only equal justice, but equal courtesy to all.”

The first and pressing question which agitated the assembly was the constitution of the legislative

EXCLUSION OF THE PUBLIC

council. On the opening day, after the routine business had been disposed of, Mr. Doyle moved and Mr. Howe seconded the following resolutions:—

“Resolved, That the practice hitherto pursued by His Majesty’s legislative council in this Province, of excluding the people from their deliberations, is not only at variance with that of the House of Lords in England, and that of several of the legislative councils in the other British North American colonies, but contrary to the spirit of the British constitution, and injurious to the interests and liberties of this country.

“Resolved, That while this House has no desire to deny to the upper branch of the legislature the right enjoyed by the representatives of the people, and sanctioned by public opinion, of closing their doors during the discussion of questions of order and privilege, and on particular occasions, when the public interest may require secret deliberation, yet they should fail in their duty if they did not express to His Majesty’s council the deliberate conviction of those they represent, that the system of invariable exclusion, pursued for a series of years, and still pertinaciously continued, is fraught with much evil, and has a tendency to foster suspicion and distrust.

“Resolved, That this House is prepared to provide the expenses which may be incurred for the accommodation of the public in the legislative council chamber.

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“Resolved, That the clerk do carry these resolutions to the council, and request their concurrence.”

In support of these resolutions Howe made his maiden speech. With slight amendments these resolutions were adopted by the House unanimously.

It was clear after the election that the popular party had obtained a commanding position in the new assembly, and it was not considered judicious by those who were really in sympathy with the oligarchy to make a stand upon this question, because public opinion throughout the province was distinctly opposed to the existing position of the legislative council, especially in its dual character as the executive, and to the holding of its legislative deliberations behind closed doors.

To these resolutions the council on February 4th, forwarded to the House a reply, in which it was set forth that His Majesty’s council denied the right of the House to comment on its mode of procedure; whether their deliberations were open or secret was their concern and theirs only.

This message was received by the popular party in the House with just indignation and considerable anxiety, while of course it was the occasion of mirth and exultation in Tory circles. It was felt on all sides that it was necessary to deal with the matter in some form. Mr. John Young, who was recognized as a consistent and sturdy Liberal, proposed a series of conciliatory resolutions in the hope of inducing

BOLD RESOLUTIONS

the council to recede from its haughty position. Mr. Howe saw clearly that the adoption of these tame expressions of opinion would be simply dallying with the question and pursuing the innocuous and futile policy which had characterized the Reform party in the previous parliament. He accordingly conceived the idea that no course was left to him but boldly to propose a series of resolutions in amendment to those of Mr. Young, couched in terms so clear and so emphatic as to make a clean cut issue with the council, and carry the matter, if need be, to the imperial authorities. It is not difficult to see that this was a bold course for a young man, who had scarcely been a fortnight in the legislature, to take; and the boldness of his action is emphasized by the fact that it could not fail to bring down upon him the displeasure of the recognized leaders of his party.

In presenting these resolutions Howe made a speech of great length. Impressed with the seriousness of the position he was taking, he says in the course of his splendid speech :—

“ It is one which I should not have assumed, did I not deeply feel that it involves the peace and freedom of Nova Scotia; and although, when applied to her alone, these principles may appear of little importance, when I take a broader view—when my eye ranges over our vast colonial possessions—when I see countries stretching through every clime, and embracing many millions of people

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more than the islands to which they belong, and when I reflect that upon a right understanding of these principles, a fair adjustment of these institutions, depends the security and peace of these millions of human beings, my mind warms with the subject, and expands with the magnitude of the theme. Sir, I ask for nothing but justice and responsibility, sanctioned by the spirit and forms of the British constitution. The idea of republicanism, of independence, of severance from the mother country, never crossed my mind. Centuries hence, perhaps, when nations exist where now but a few thousands are thinly scattered, these colonies may become independent states. But it will not be in my time; and when it arrives, if it be permitted to us to look down from the other world upon the destinies of our country, I trust hers may be one of freedom and of peace. But, as there is now no occasion, so have I no wish for republican institutions, no desire to desert the mighty mother for the great daughter who has sprung from her loins. I wish to live and die a British subject, but not a Briton only in the name. Give me—give to my country the blessed privilege of her constitution and her laws; and as our earliest thoughts are trained to reverence the great principles of freedom and responsibility, which have made her the wonder of the world, let us be contented with nothing less. Englishmen at home will despise us, if we forget the lessons our common ancestors have bequeathed."

DEBATE ON THE RESOLUTIONS

A protracted and somewhat fierce debate followed. Mr. Alexander Stewart, one of the popular leaders, became alarmed, and straightway went over to the government. Howe closed the debate in another speech, concluding with these beautiful and pregnant words: "Sir, when I go to England, when I realize that dream of my youth, if I can help it, it shall not be with a budget of grievances in my hand. I shall go to survey the home of my fathers with the veneration it is calculated to inspire; to tread on those spots which the study of her history has made classic ground to me; where Hampden and Sydney struggled for the freedom she enjoys; where her orators and statesmen have thundered in defence of the liberties of mankind. And I trust in God that when that day comes, I shall not be compelled to look back with sorrow and degradation to the country I have left behind; that I shall not be forced to confess that though here the British name exists, and her language is preserved, we have but a mockery of British institutions; that when I clasp the hand of an Englishman on the shores of my fatherland, he shall not thrill with the conviction that his descendant is little better than a slave."

These twelve resolutions proposed by Mr. Howe are so vital to a proper conception of the question of responsible government that they should be read carefully in their entirety (see Appendix A.) In spite of the opposition of the friends of the govern-

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ment in the House and of the bitter hostility of some of those who were formerly associated with the Reform party, Howe succeeded, with some slight amendments, in securing the passage of every one of these twelve resolutions, some of them by substantial majorities, and soon afterwards moved for a committee to prepare an address to the Crown embodying the resolutions.

Three days later there came a message from the legislative council so pronounced and decisive in its character as to create the greatest excitement in political circles. It vehemently resented the manner in which the House had commented upon the council and its conduct, and intimated in plain terms that unless one obnoxious resolution was rescinded it would inevitably result in the interruption of the public business. This meant, of course, that they would refuse to pass the supply bill. It was an heroic remedy which the council had previously resorted to with impunity, since the Crown revenues were ample for paying the salaries and carrying on the functions of government, whereas the provincial revenues were devoted to the road and bridge service and other matters of importance in developing the interior of the country. If the monies were not appropriated for these purposes, all these important services would have to remain unperformed, which would be not only a serious thing for the country, but would tend to compromise the member with his constituents.

A DISCONCERTING MESSAGE

The receipt of this message occasioned the greatest possible anxiety to the popular party in the House. To yield to the council in this point meant a perpetuation of existing abuses. Stoutly to maintain their position on these pregnant resolutions meant the loss of the revenue, and the absence of any money to spend for the necessary development of a young, scattered and growing province. Many wise-acres shook their heads and said that Mr. Howe had precipitated matters in a rash and hasty manner and that the responsibility must fall upon his head, and his enemies were disposed to think that he had fallen into a fatal blunder, which would injure his prestige and, perhaps, destroy his career.

The day on which the council's message was to come up for consideration, Howe was not at first in his place, and no one knew what course he would pursue; and his attitude was of some importance, because, although he had only just taken his seat, in this comparatively short time he had come to be looked upon as a leader and guide in this great struggle for popular rights. At last Howe walked into the chamber, buoyant as ever, with that jaunty manner and cheerful smiling face, which never failed, in the long years in which he was associated with the political struggles of his province, to give confidence to his friends. At the proper time he arose and announced his determination. He had anticipated, he said, the action of the council, and was prepared for it. The revenue should not be lost; the resolu-

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tions had done their work; they had tested the opinion of the House; they had gone, with the debates upon them, to the country; they would go to England, and even if rescinded the very coercion under which the act was done would illustrate the overweening power of the upper branch and the defective constitution of the country. He would not rescind the single resolution complained of, but would move to rescind the whole, and then ask for a committee to prepare an address to the Crown upon the state of the province. What that address would contain was matter for after consideration, when the revenue bills had been passed.

The resolutions were rescinded; the revenue bills were secured, and within a few days of the close of the session an address to the Crown was reported and passed, which embodied all the resolutions, and elicited those important despatches from Lord Glenelg, which were laid before the House the next session and led to important results. It must not be inferred that, jaunty as was his manner of doing it, the rescinding of these resolutions occasioned Mr. Howe no concern. We know from the best sources of information that he wrestled anxiously all night with the vexatious problem, and yielded to the painful necessity only after a prolonged struggle.

The adroit manner in which Howe had met this serious situation enhanced his reputation, baffled the confident anticipations of his enemies, and

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gave added confidence to his friends. After the revenue bills were passed, Howe moved his address to the Crown, and carried it by a substantial majority. This address, together with the counter statement of the council of twelve, was forwarded to the colonial office by Sir Colin Campbell, at that time lieutenant-governor of Nova Scotia. During the recess, despatches were received from Lord Glenelg, secretary of state for the colonies, which, while not conceding the full measure of responsible government for which Howe was resolutely contending, went very far towards meeting the just demands of the House of Assembly. In his despatch to Sir Colin Campbell, Lord Glenelg instructed him to substitute two councils for one, that is, a legislative council was to be appointed for purposes of legislation, and a second council was to be appointed for the purposes of government. In forming these councils the governor was instructed to select men from all parts of the province and from the various religious denominations. He concurred in the proposition that the chief justice should be excluded from both of these councils, and the governor was recommended to call to his councils those representative men of the House of Assembly who enjoyed the confidence of the people's representatives; and the desire of the House of Assembly to have the control of the casual and territorial revenues was conceded upon the condition that the assembly should provide permanently

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for the payment, according to a civil list submitted, of the salaries of certain officials, such as the governor, provincial secretary, judges, attorney-general, solicitor-general, etc. To illustrate the fact that the colonial office was not yet prepared to concede the principle of executive responsibility in colonial government, an extract from one of Lord Glenelg's despatches will suffice:—

“The language of the address would seem to indicate an opinion, which is not yet distinctly propounded, that the assembly of Nova Scotia ought to exercise over the public officers of that government a control corresponding with that which is exercised over the ministers of the Crown by the House of Commons. To any such demand Her Majesty's government must oppose a respectful, but, at the same time, a firm declaration, that it is inconsistent with a due adherence to the essential distinctions between a metropolitan and a colonial government, and is, therefore, inadmissible.”

Upon the receipt of these despatches, Sir Colin Campbell and his advisers created two councils, and forwarded the names for approval to the colonial office. The legislative council consisted of nineteen members, but it was composed, to a preponderating degree, of those favourable to the governing party, and leading Reformers were carefully omitted. The executive council was also formed very much upon the same lines, but with some objectionable persons omitted. Four members

A STEP BACKWARDS

of the executive were drawn from members of the House of Assembly, but they were those in sympathy with government house and officialdom, with the exception of Mr. Herbert Huntington, who was a sturdy advocate of reform and a supporter of Mr. Howe. During the session of 1838, however, it was announced that the legislative and executive, so formed by Sir Colin Campbell, had been dissolved, and new bodies created under instructions of Lord Durham, the governor-general. According to instructions from the colonial office, the number of members of the executive was limited to nine, and the legislative council to fifteen members. When the new councillors were gazetted, it appeared that Mr. Herbert Huntington, the only Liberal on the executive, had been left out, and the legislative council was composed almost exclusively of men hostile to responsible government.

After these appointments had been gazetted, Howe in his place in the assembly delivered an important and able speech, in the course of which he pointed out the numerous advances which had been made already as the fruit of the efforts of the assembly in the previous session, and indulged in a tone of justifiable triumph concerning the great concessions which had been freely made by the imperial authorities.

Later in the session another address to the Crown was proposed, expressing appreciation of the gracious consideration which had been given to the

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previous representations of the assembly, but pointing out among other things that in the formation of the executive and legislative councils the sentiments and wishes of the people at large had been ignored and that places in these councils had been conferred upon those who did not command the confidence of the people, and urging other complaints in respect of the existing system of government. The answer to this despatch was laid upon the table of the House in the session of 1839 and was distinctly unfavourable. The offer of the casual revenues was withdrawn, the councils as they stood were sustained, the judges' fees were abandoned, but these officers were compensated out of the public revenues. The request that all the outports at which collectors were maintained should be open was evaded, and five or six bills passed during the previous session were disallowed.

The only course now, it was felt, was to send a delegation representing the views of the majority to England. The tone of the latest despatches clearly indicated that both the governor and the executive were unduly influencing the colonial office. A series of resolutions was moved in the House on the subject of the popular grievances, concluding with one to the effect "that two members possessing the confidence of the House be appointed to proceed to England and represent to Her Majesty's government the views and wishes of this House and the people of Nova Scotia on the

THE REBELLION OF 1837

subjects embraced in the foregoing resolutions, and such other matters as might be given to their charge." The debate upon these resolutions was a fierce and protracted one. The lines between parties were being formed. The members of the government in the House, with Mr. J. B. Uniacke at their head, were distinctly resisting, with the assent of the governor, Howe's plans for securing responsible government and a recognition of the rights of the people, while Howe had behind him a compact majority of men who were determined to follow him, without wavering, in the pursuit of the great and important end he had in view.

At this particular juncture the popular party in Nova Scotia was considerably hampered by the reports of rebellion and bloodshed which came from the upper provinces. The unwise insurrection led by William Lyon Mackenzie and others in Upper Canada, and the precipitate resort to arms under the leadership of Papineau in Lower Canada had a tendency to cast aspersion upon the popular party in Nova Scotia. It was claimed that they were making demands which would lead also to sedition and rebellion. It is, perhaps, the greatest tribute that can be paid to Howe's sagacity as a public man, that, though entirely new to the political scene, and called upon to assume leadership at the moment of his entering the assembly, and resenting bitterly the denial of popular rights by the governing bodies, he was never for a moment

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betrayed into taking a step which was not strictly constitutional and within his rights as a legislator in a British colonial parliament. When the news of the insurrection first reached Nova Scotia, Howe was able to publish a very able letter addressed to Mr. H. S. Chapman, a leader of the Lower Canadian extremists, who had written to Howe to secure his coöperation in the Liberal movement there. This letter was dated October, 1835, before Howe had entered the legislature. In it he frankly points out the apparent aim of the agitators in Lower Canada—separation from Great Britain and the establishment of republican institutions, and he tells him plainly that no such idea animates the Maritime reformers, who love British institutions and intend to secure their full rights, by constitutional means, within the empire. Such a statesman-like exposition of the situation at so early a stage of the struggle for self-government is a striking illustration of the great mental endowments of Mr. Howe, and his letter to Mr. Chapman, when published, elicited the highest encomiums of the English press.¹

¹ At the time of the rebellion in Canada, a regiment of British soldiers was sent from Halifax to uphold the imperial authority. A meeting to raise funds to support the wives and children of the soldiers was made the occasion of a loyal demonstration, and some of the Tory officials were disposed to take advantage of the incident to hint in their speeches at the dangers of agitation in this quarter. Mr. Howe was promptly on his feet, and in a magnificent speech vindicated the loyalty of himself and his associates, and completely captured the meeting.

REFORM WITHOUT BLOODSHED

Mr. Howe had faith in British institutions, and believed that, when the issues were thoroughly discussed and clearly understood, all that Reformers were now struggling for could be accomplished without compromising the loyalty of a single individual or disturbing the peace of any province or community. Indeed, it may be fairly claimed that the principles laid down by Howe and his broad, clear and statesmanlike representation of the situation to the colonial secretary were the means of securing an enlightened system of self-government in all the rapidly growing colonies of the British empire. The necessity of resorting to rebellion in the Canadas in 1837 is an indictment against the wisdom and judgment of the leaders of the popular party, and it redounds to the eternal glory of Joseph Howe that he achieved within the compass of a few years everything the most advanced colonial statesman could desire by perfectly constitutional means and without causing a single drop of blood to be shed.

In the debate upon the proposition to send delegates to England, Howe entirely vindicated himself and his party from any reflections that might be cast upon them owing to the folly committed by the extremists in the Canadas. The resolutions were adopted by substantial majorities, and Mr. Herbert Huntington and Mr. William Young, afterwards Sir William Young, chief justice, were chosen as delegates to proceed to England. Mr. Howe would

naturally have been selected owing to his leading position in the popular party, but he thought it would strengthen his position if he made it impossible to have charged against him any interested motive in his struggles. The legislative council selected Messrs. Alexander Stewart and Lewis M. Wilkins as delegates to represent that body and to defend the old system in England.

A scene occurred in the House during this session which redounds to its credit and especially to the high and magnanimous character of Mr. Howe. A controversy was going forward in respect to the boundary between the province of New Brunswick and the state of Maine. At last, in February 1839, the governor of the state of Maine sent a message to the senate and assembly of the state announcing that he had ordered troops into the disputed territory. His action in this matter was approved by both Houses and \$800,000 was voted to pay the expenses of this hostile invasion of what was recognized then as a part of the province of New Brunswick. When this high-handed procedure became known in Halifax, although party feeling ran high, all political differences were hushed in a moment when the honour of the British flag was menaced. The executive government was helpless so far as the assembly was concerned, which was largely hostile and under the control of Howe and his associates, but Howe did not permit this to weigh. He at once tendered to the government the united

LORD JOHN RUSSELL'S MEASURE

support of himself and his followers in any measure providing for the defence. A series of resolutions was reported and carried unanimously, by which the executive was authorized to call out the whole militia of the province for the defence of New Brunswick and to expend £100,000, if necessary, in repelling the invaders. When the resolutions were passed, the whole House rose and gave three cheers for the Queen, and three for the province of New Brunswick.

It was at this time that Lord Durham's famous report was laid before parliament, and this elaborate and now famous document gave great encouragement and support to the popular party. Lord John Russell had brought forward in the English parliament an important measure for the settlement of Canadian affairs. It was disappointing to colonial Reformers, and especially coming from Lord Russell, who had achieved a just distinction for his breadth of view and liberality of mind. He failed to follow Lord Durham's report but elaborately argued that the adoption of executive responsibility in the sense in which it was understood in Great Britain was an obvious impossibility. The act creating the union of 1841 did not, therefore, in any way concede a full measure of responsible government, although this was ultimately achieved to the fullest extent under the operations of the act itself.

Colonial Reformers in Nova Scotia were disposed to become despondent and believe that there was

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no expectation of obtaining a just consideration of colonial claims to self-government from the imperial authorities. Howe remained sanguine. His conviction was that Lord John Russell did not understand the situation, and he undertook to bring the whole question of colonial government before him in a series of four letters, which may be read at this date, more than sixty years after their publication, as a magnificent illustration of intellectual capacity, breadth of view and vigorous composition unsurpassed in the whole volume of correspondence that has passed for one hundred years between the imperial government and the various statesmen who have been reared in the empire. To print them in full is impossible, and yet no enlightened Canadian can afford to dispense with their perusal. They are to be found in Vol. II. of Howe's "Speeches and Public Letters," and they embody in the clearest and most fascinating terms, and with a brightness and raciness altogether unusual in official correspondence, the whole case for self-government. They were printed in pamphlet form and placed in the hands of every member of both Houses of the imperial parliament, and widely distributed in the clubs. Unquestionably, these letters exercised a far-reaching influence on the policy of Great Britain towards her rapidly developing colonial possessions. After they had been well-considered and understood no further narrow enunciations of policy are to be found in despatches from

LETTERS TO LORD JOHN RUSSELL

the colonial office, and although in Nova Scotia the struggle had to be maintained a few years longer, and although in the Canadas, after the Act of Union, owing to the narrow views and arbitrary conduct of Sir Charles Metcalfe, full development of responsible government did not accrue until some years later, yet the seeds of sound policy had been sown and taken root, and thenceforth self-government was regarded as not only wise and prudent, but indeed the only condition upon which happiness, contentment and prosperity could prevail in the colonial empire. Splendid work Mr. Howe achieved in the enfranchisement of his own province, but when his claim to eminence is put forward, it will rest not alone upon the fruits of his direct political service in his own province but in the commanding part he played in educating the imperial authorities in true statesmanlike methods. If Howe were alive to-day and with more than sixty years experience in the development of colonial government in North America there is scarce a line in the four great letters to Lord John Russell that he would desire to recall, and his friends and admirers can read them at this day as the emanation of a splendid mind. Lord John (afterwards Earl) Russell was a very distinguished British statesman and afterwards prime minister, but his friends could scarcely derive the same satisfaction from his observations on colonial executive responsibility. Lord Russell lived to see colonial governors govern,

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through their constitutional advisers, as fully and absolutely as the sovereign at home; and in less than a score of years after his famous *pronunciamiento*, no British colony possessing responsible government would have tolerated the idea that an executive should hold office an hour after it had ceased to possess the confidence of the people's representatives.

Messrs. Young and Huntington went to England, as did also Messrs. Stewart and Wilkins, and at the next session of the legislature in 1839, they reported to the respective bodies which had delegated them. Nothing definite resulted from this delegation. Messrs. Young and Huntington obtained concessions in respect of the opening of several ports of entry in the province; some definite concessions in respect of legislation; but accomplished nothing in respect either of the composition of the councils or in establishing the principle of the responsibility of the executive to the popular House.

It is, perhaps, desirable that a statement should be made in respect to the actual methods of conducting government in Nova Scotia at this time. The executive council on being constituted in 1838 as a separate body from the legislative council, consisted, first, of the Hon. T. N. Jeffrey, who was Her Majesty's collector of customs for Nova Scotia at Halifax, and holding no seat in either branch of the legislature. The Hon. Simon Bradstreet Robie,

THE EXECUTIVE COUNCIL

who had had a seat upon the judiciary, which he had vacated, was a member of the executive, and also president of the legislative council. The provincial secretary was a permanent official appointed by the Crown upon the recommendation of the colonial secretary, and held a seat in the executive, but was not a member of either branch of the legislature. His name was Sir Rupert D. George, and although his was an important provincial department, he was absolutely independent of the House of Assembly, and indeed virtually independent of the executive council to which he belonged. The attorney-general, Mr. S. G. W. Archibald, was not a member of the executive council, but obtained his appointment direct from the Crown through the colonial secretary, and at the same time held the position of speaker of the House of Assembly. The solicitor-general was Mr. J. W. Johnston, who was appointed to office in 1834, but held no seat in either branch of the legislature, nor indeed was a member of the executive. In 1838, when the two separate councils were formed, Mr. Johnston was made a member of both. Mr. James B. Uniacke was a member of the executive without office, and held a seat in the House of Assembly, and up to 1840 may be regarded as the leader of the government party in the popular branch, and therefore Howe's chief antagonist for the first term of his legislative life. It is proper to mention, however, that the strongest man in the executive

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council, and the one who can be fairly regarded as the leading figure of those opposed to responsible government in Nova Scotia was the Hon. J. W. Johnston, who, though born in the West Indies, sprang from a distinguished ancestry, came to Nova Scotia in his youth, settled at Annapolis, studied law with Mr. Thomas Ritchie, afterwards Judge Ritchie, and on being admitted to practice, first opened an office in Kentville, but afterwards moved to the capital, where he soon by his commanding abilities secured a foremost position as an advocate. His tastes and connections were all aristocratic, though the temper of his mind was liberal, and while his name is invariably associated with the leadership of the Tory party, he was in reality less disposed to thwart reform measures than many of those associated with him. From the time he entered the executive council in 1838, four years after he had held the office of solicitor-general, he was Sir Colin Campbell's chief adviser and the strongest man in his government, though then occupying no place in the House of Assembly.

Afterwards we shall find Mr. Johnston developing into a great figure in the political arena of the province, and destined for many years to be Howe's most sturdy opponent.

Similar anomalies in connection with the administration of government were to be found at this time in all the provinces, and it is not an extraordinary incident that the leading men of these

HOWE'S OBJECTS

several provinces should have conceived it impossible to have adopted in this country the same principle of executive responsibility to the people which had been then fully achieved in Great Britain. It is seldom that a privileged class ever conceives the wisdom of surrendering its privileges. What Howe started out to achieve was simply this, that all persons holding office and helping to carry on the business of the country should be appointed by an executive which had the confidence of a majority of the members of the House of Assembly; that no executive could hold office a day longer than it could command the confidence of the people's representatives, and that the governor himself should be reduced to the position of a respectable figurehead, acting according to the advice of ministers who were responsible for every act done in his name and liable to be called to account for it in the popular House. This was honestly believed, by British ministers and by most of the leading men of Nova Scotia at that time, to be a piece of palpable absurdity, which could not be practically worked. Mr. Howe was thoroughly imbued with the idea that it not only could work, but that nothing else would give satisfaction to the people and lead to pleasant and harmonious relations with the mother country. And here we see the issue between the two parties, which was not to be finally determined until 1847.

Meantime, considerable progress had been made

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in the direction of reform. The old council of twelve had been swept away; a legislative council, holding its deliberations with its galleries open to the public, had been created, and an executive council formed in which members of the House of Assembly had obtained seats; but no control over the executive had been obtained by the House. The revenue of the country had not yet been placed fully at the disposal of the assembly, and the leading officials of the province were, in the main, men who in no sense commanded the confidence of the people's representatives.

In the autumn of 1839 Lord John Russell became colonial secretary and he sent despatches on the subject of the formation of colonial governments to the Canadian provinces, the most important feature of which was in relation to the tenure of office of public officials in Canada. He adverts to the fact that all the leading offices were held by permanent tenure, the origin of which was that these at first were appointed from persons residing in England, but as of late years the practice had been introduced of preferring to places of trust in the colonies persons resident there, this had taken away the strongest motive which could be alleged in favour of a practice to which there were many objections of the greatest weight. The governors were instructed to cause it to be made generally known that thereafter the tenure of colonial office held during Her Majesty's pleasure, would not be

LORD JOHN RUSSELL'S DESPATCHES

regarded as an equivalent to tenure under good behaviour, but that such officers should be called upon to retire from the service as often as any sufficient motives of public policy might suggest the expediency of that measure. These remarks were not to apply to judicial officers, nor to offices which were altogether ministerial and which did not devolve upon the holders of them duties in the discharge of which the character and policy of the government were directly involved, but were intended to apply to the heads of departments, and especially to such offices as that of provincial secretary, treasurer or receiver-general, surveyor-general, attorney and solicitor-general; and should apply also to members of the executive council in those provinces in which the legislative and executive councils were distinct bodies. When these despatches arrived late in 1839, Sir John Harvey, the governor of New Brunswick, under date of December 31st, issued a circular addressed to the heads of the civil departments and members of the executive council of New Brunswick, in which he intimated to them his intention of carrying on the government of that province upon the lines laid down in Lord John Russell's despatch. This at once gave complete satisfaction to the people of New Brunswick, and practically ended, so far as that province was concerned, any acute contest in relation to responsible government, although, it must be added, it was not until a later date that the

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full and complete recognition of responsible party government was in effective operation in that province.

In Nova Scotia, Sir Colin Campbell, acting partly upon his own views, and supported, no doubt, by most of those in his council, adopted an entirely different course. His council was composed almost entirely of men not possessing the confidence of the assembly, and no prominent member of the popular party could look forward, under existing conditions, to any reasonable expectation of filling a responsible or honourable position in the government of the country. In the session of 1840, finding that Sir Colin Campbell would take no step towards giving effect to Lord John Russell's despatches, Mr. Howe gave notice of a series of resolutions reciting the existing conditions, and concluding as follows: "Resolved, that the House of Assembly, after mature and calm deliberation, weary of seeing the revenues of the country and the time of its representatives wasted, and the people of Nova Scotia misrepresented to the sovereign, the gracious boons of the sovereign marred in their transmission to the people, do now solemnly declare that the executive council, as at present constituted, does not enjoy the confidence of the Commons."

Howe introduced this resolution in a speech of great length and power. Perhaps its greatest merit was in its extreme moderation, and the exhaustive

WANT OF CONFIDENCE

manner in which he set forth point by point the actual prevailing conditions. This speech made a great impression, not only upon Mr. Howe's friends in the House, but upon the members of the executive who sat in the House, and it was not less far-reaching in its effect upon the people generally throughout the province. This resolution of want of confidence was passed by a large majority in the House, and it is a notable fact that the Hon. Mr. Uniacke, the leader of the government in the House, withdrew from the division, and it became an open secret that he was leaning towards Howe's views. After the adoption of these resolutions, the House waited upon the governor in a body and presented them. The governor's reply was evasive and altogether unsatisfactory. He declared that he had no reason to believe that any alteration had taken place on the part of Her Majesty's government in respect to the methods of conducting colonial government, and he declared that justice to his executive council compelled him to say that he had every reason to be satisfied with the advice and assistance which they had at all times afforded. When the House returned to its own chamber, Mr. Uniacke arose and stated that being desirous of facilitating the introduction of a better system of government, he thought it his duty to the House and to the government to tender his resignation of the seat he held as executive counsellor, and he intimated that his resignation had

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been accepted. He followed this with a speech in which he admitted frankly the absurdity of the present system and the necessity for a change. Howe at once rose, and in the most handsome manner conveyed his congratulations to his late antagonist; declared that his resignation did him the highest honour; paid a tribute to his ability, and contrasted his conduct with that of the men who, while they had relied upon him for their defence, now wished to sacrifice him in support of a rotten system which the government itself had abandoned. From thenceforward Mr. Uniacke may be reckoned as a friend and coadjutor of Mr. Howe in the struggle for responsible government. To indicate how bitter and tenacious of its position the official oligarchy was, it is stated that, although belonging to one of the oldest and most distinguished families in the province, Uniacke for a time was socially ostracized by the governor and by many of the old Tory families in the city. It was unquestionably an important acquisition to the Liberal party of Nova Scotia to have secured the coöperation of such an able and accomplished man as James Boyle Uniacke.

Howe and his associates in the House of Assembly were naturally disgusted at the answer to their address given by Sir Colin Campbell. It was not that he affirmed anything especially obnoxious, but the evasive tone indicated a determination upon his part to disregard Lord John Russell's

SIR COLIN CAMPBELL

despatch and to cling to his present Tory advisers. Howe's first impulse was to prepare an address to the governor-general, but this he abandoned, and after a day or two proposed another address to Sir Colin Campbell, couched in mild and respectful terms, setting forth with still greater clearness the exact point at issue between the assembly and the government. He asked him simply to give effect to Lord John Russell's despatch and carry on his government according to the wishes of the people. The second address was adopted by a large majority in the House, twenty-nine voting for and ten against it. It was presented to the governor and an answer returned almost identical in its vague and unsatisfactory character with the former answer. He declared that if he gave effect to their address, he would practically recognize a fundamental change in the colonial constitution, which he could not discover to have been designed by the despatch of the secretary of state, Lord John Russell, of October 13th.

Howe now took a step which for boldness stands almost unsurpassed in the struggle for responsible government in any of the colonies. Sir Colin Campbell was a distinguished old soldier, a very worthy type of man personally, and the office of lieutenant-governor of a province in those early days was regarded with a sanctity altogether unknown at the present time. He was sent out directly by the imperial authorities as the representative of the

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sovereign; he exercised substantial political power and enormous social influence; he had always at his back not only the wealth and social position of the country and the official class, but there is always an innate disposition on the part of the people generally to hold in high regard the office of governor. Yet Howe took the responsibility of submitting to the legislature an address to the queen, very full in its character, and concluding with this memorable paragraph: "That Your Majesty will join with this House in obviating the necessity for such appeals—that you will repress these absurd attempts to govern provinces by the aid and for the exclusive benefit of minorities, this assembly confidently believes; and in asking Your Majesty to remove Sir Colin Campbell, and send to Nova Scotia a governor who will not only represent the Crown, but carry out its policy with firmness and good faith, the representatives of Nova Scotia perform a painful duty to their sovereign and to their constituents, but recommend the only remedy which they fear can now be applied to establish harmony between the executive and legislature of this province."

This step really startled the people of Nova Scotia. It was a novel movement in the history of colonial government. Some members of the legislature became timid. They could follow Howe in his efforts to procure popular government, but to vote to ask the queen to recall the governor was going too far. Some other timid ones who could not

ATTACK AND DEFENCE

be induced to vote for this extreme measure were absent when the division took place, but Howe was able to secure twenty-five members to vote, and carry his resolution by a substantial majority.

When this resolution was adopted considerable excitement prevailed in the province, especially in the city of Halifax. Up to this point the leaders of the Tory party had recognized that Howe's course was obtaining the support of the mass of the people in the country, and therefore, they scarcely cared to challenge him to a contest in the open; but they regarded this resolution as going in advance of public opinion and giving a shock to the sensibilities of the people at large. The consequence was that public meetings were summoned to denounce this cruel attack upon the governor. The first of these was held in the city of Halifax and the call was addressed simply to those opposed to the action of the assembly. Howe and his friends, of course, could not attend this, but they immediately summoned another meeting, open to everybody, for public discussion. Mr. Johnston, the solicitor-general, who was regarded as undoubtedly the leader of the Tory party, attended this meeting, and Howe and he met for the first time upon the public platform. Both speeches were able and eloquent, for Johnston was an orator of great distinction. Howe, after the meeting, was carried home upon the shoulders of the people. His speech on the occasion was a masterpiece, and, considering

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that the meeting was composed of heated partisans in a mood to interrupt, great moderation was observed by Howe from the beginning to the end. From the capital the war was extended into the country. The Tory officials circulated addresses of a fulsome character to the governor. But Howe was equal to the occasion and threw himself everywhere, east and west, in the province, to sustain the popular side and keep his friends and supporters, in the outlying districts, in line.

And so the contest went on until July 9th, 1840, when Mr. Poulett Thomson (afterwards Lord Sydenham), who had been recently appointed governor-general of Canada, arrived from Quebec, which was then the seat of government for Canada and the usual residence of the governor-general. He immediately assumed the reins of government, as under his commission he had a right to, and sent for the leading men of both parties to consult upon the aspect of affairs. Mr. Howe was among the number, and between him and Mr. Thomson there was a full, free and most agreeable interchange of views.

What course would be adopted in respect to the governor remained a profound mystery. Among the Tories it was reported that the colonial secretary had declined to present the address of the assembly to the queen, and boasts were made everywhere that the governor would be sustained. But the problem was solved on September 30th, when Lord

LORD FALKLAND

Falkland arrived in Nova Scotia, bearing with him the queen's commission as lieutenant-governor of Nova Scotia. This nobleman was a young man, still in the thirties, handsome in appearance, extremely vain, with little political experience, and, so far as can be judged, of no very great intellectual endowments, and certainly lacking in discretion. But he arrived, evidently with instructions to carry on the government in such a way as to meet, if possible, the objections of the popular party, and he started out with one distinct policy, and that was that the only way to govern a colony successfully was to call into the council men representing all shades of political opinion. It no doubt seemed a plausible solution then, but experience very quickly demonstrated that this system was far from being an ideal one, but rather an impossible one, and that with all the evils surrounding it, the only rational and sensible method of carrying on the government of the country was by a homogeneous cabinet with a premier at its head, all the members of which should be united in carrying forward a common policy.

In furtherance of his policy, Lord Falkland asked Howe to take a seat in his council, and he agreed, on the condition that McNab and Uniacke should also be taken in, that a bill for the incorporation of Halifax should be submitted as a government measure, and that as vacancies occurred from time to time in the council, men in sympathy

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with the majority of the assembly should be taken in to supply their places.

Thus, before the end of his first term in the legislature, we find that Howe has not only destroyed the old council of twelve, made the deliberations of the legislative council open to the public, driven from the province a lieutenant-governor who would not regard the popular will, but now has himself been asked to accept a place in the cabinet in association with men of his own political views, whose object was to infuse into the government the principles for which he was contending. When Howe was sworn into the cabinet he had been four years in public life and was thirty-six years of age.

CHAPTER IV

HOWE AS A MINISTER

ALMOST immediately after the formation of Lord Falkland's administration, the House was dissolved and a general election took place. Howe's position during the three years that he held a seat in the executive was not by any means an easy or agreeable one. As a doughty champion fulminating against officialdom, he quickly became the popular idol, but many, if not most, of those who were in sympathy with the movement for responsible government looked with suspicion, if not with disfavour, upon his association with the bigwigs who gathered about government house. Johnston did not become attorney-general until the next year, and the idea of premiership had not yet developed in connection with the executive council of the province, but to all intents and purposes Johnston was Lord Falkland's chief adviser, and occupied a position as nearly as possible akin to that of premier. He was a strong man and distinctly obnoxious to the Liberals of Nova Scotia, many of whom doubted the propriety of their hero sitting at a council board at which Johnston was the ruling spirit.

At the same time, it will be easily understood

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that officialdom and the Tory party generally throughout Nova Scotia were profoundly disgusted at finding at the council board a man who had ruthlessly disturbed their comfortable nests, and who, from their point of view, might use his position at this board to destroy completely the system which they cherished. Howe's first duty was to appease his friends by a public letter before the elections, and thereby secure a majority of Liberals in the new House of Assembly, and in this he was entirely successful. His own words justifying the course he had taken will, perhaps, best set forth his conception of the situation.

"Having been elevated by Her Majesty's command to a seat in the executive council, a brief explanation may be necessary on this subject, and I make it the more readily because I have no secrets to conceal. When the charge of personal ambition has been reiterated by those who assert their claims to fill every post in the country, by applying in shoals whenever one happens to be vacant, I have often smiled at their modesty, and at their ignorance of facts. Had I sought my own advancement, and not the general good, I might have accepted a seat in council in 1837, and held it for life independent of the people. Again, in 1839, had I abandoned my principles, I might have obtained the vacancy occasioned by the demise of the Hon. Joseph Allison; but to have gone into the old council, upon the old principles, would have been

ANOMALIES OF GOVERNMENT

to deserve the epithets which have sometimes been as freely as ignorantly applied. When, however, Her Majesty's government, by the withdrawal of Sir Colin Campbell, by the retirement of a large section of the old council, and by the adoption of the sound principles for which the popular party had contended, made such a demonstration as I conceived entitled them to the confidence of the country, it seemed to be clearly my duty to accept the seat tendered by the new governor, and to give him the best assistance in my power."

The anomalies of these three years of hybrid administration are too numerous to be minutely detailed. Mr. Howe, although a member of Lord Falkland's government with Mr. Johnston at the head of it, found himself and his colleagues in Halifax city and county fiercely opposed at their elections by the political friends of Johnston, and this course was pursued in most parts of Nova Scotia in respect to all the candidates running for the assembly who could be classed as Howe's friends and followers. Nevertheless, the Liberal party was successful in this election, and Howe and his three colleagues for Halifax were returned by large majorities. After the election Howe was entertained at a public banquet in Mason Hall.

Another anomaly in connection with this new condition of things arose at the opening of the House. Mr. S. G. W. Archibald, as has been said, had long filled the office of attorney-general and at

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the same time the speakership of the House of Assembly. Before the new House met, Archibald had accepted the position of master of the rolls, a judicial post corresponding to judge in equity. This left the speakership open. Under the existing condition of things, with responsible government in full operation, no member of a government would think of filling that position. However, the race for the speakership at this session was between Howe and his friend James B. Uniacke, and, after considerable contest, the former was elected by a majority of two, thus occupying the dual position of member of the government and speaker of the House. In September, 1842, the office of collector of customs at Halifax became vacant by the retirement of Mr. Binney, and Howe accepted the position. It is probable that he was forced by financial exigencies to accept this place of emolument. His political duties were now extremely exacting. He had been forced during the first four years of his legislative career to assume leadership, travel over the province, address meetings and give his time to the evolution of policy. He was a poor man when he started his political life and remained steadily poor until the day that he died. At this time, too, he had the responsibilities of a young and growing family. He was compelled in 1841, to hand over the control of the *Nova Scotian* to Mr. Nugent, who in a very short time handed it over to Mr. William Annand, Howe's friend and colleague, who continued its publication

RESPONSIBILITIES OF MINISTERS

together with the *Morning Chronicle*, which he started soon afterwards. Howe was, therefore, without any means of livelihood except those which sprang from his political duties. When the next session (1843) opened, Howe announced that, having accepted an office of emolument, he felt it his duty to resign the speakership. Previous to this Mr. William Young, member for Inverness, had been sworn into the executive council in place of S. G. W. Archibald. Young became a candidate for the speakership in 1843, and Mr. Herbert Huntington, another warm friend of Mr. Howe's, was his opponent. To show that public opinion was advancing, a resolution was passed by the legislature declaring the office of member of the government and speaker incompatible, whereupon Young resigned his seat in the executive council and was elected speaker by a majority of two over Mr. Huntington.

Still another anomaly to be mentioned in connection with this era of government is that while Howe and McNab made declarations in the House of Assembly that the ministers were responsible and held office through the favour and confidence of the assembly, in the legislative council, Johnston, Stewart and other members made speeches declaring almost the exact opposite. This was one of the tokens of difference of opinion which appeared between members of the same administration. Howe was determined that this question of

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responsibility should be settled and defined. A meeting of council was called and Mr. E. M. Dodd, who was at that time solicitor-general and a member of the executive and legislative councils, was deputed to make a statement which would have a quieting effect. Mr. Dodd in this statement, which was afterwards approved by Mr. Johnston in a public declaration, declares that while the governor is responsible to his sovereign and the ministers are responsible to him, they are likewise bound to defend his acts and appointments, and to preserve the confidence of the legislature. This patched up matters between the diverging ministers, for a time.

But, perhaps the greatest anomaly which was developed by this period of coalition government was in respect to the question of education. This leads, naturally, to an incident in Howe's career which cannot be omitted if a full study of his character is to be made. By some unfortunate incident Howe had a quarrel with the leaders of the Baptist body in Nova Scotia at this time. Mr. Johnston himself was originally a member of the Church of England and belonged to the exclusive set which at that time the Church of England represented in the province, though in point of numbers they represented less than one-fifth of the population. An unfortunate division occurred about this time in St. Paul's church, the oldest and largest Episcopalian organization in the city, in reference to the choice of a rector. The people

HOWE AND THE BAPTISTS

elected one clergyman as rector, the bishop appointed another, and made him rector by virtue of his official prerogative. This led to the withdrawal from St. Paul's of a considerable number of influential men. It happened at this time that a Baptist minister, the Rev. John Burton, was conducting religious services in Halifax with considerable enthusiasm, and many of the seceders from St. Paul's church sat under his ministration and were affected by his religious fervour, among the number being the Hon. Mr. Johnston, Mr. E. A. Crawley, (a rising lawyer who afterwards entered the Baptist ministry and became one of the most distinguished men in religious life in Canada), Mr. J. W. Nutting, Mr. John Ferguson and others, all of whom ultimately joined the Baptist church. Ferguson was the editor and proprietor of the *Christian Messenger*, and Howe had for some time published this paper in the office of the *Nova Scotian* under contract, involving certain business transactions between Mr. Howe, Mr. Ferguson and Mr. Nutting, which led to financial difficulties and litigation, and paved the way for considerable ill-feeling between Howe and leading members of the Baptist body, the majority of whom in Nova Scotia were naturally in sympathy with Howe's struggles for popular government. It is necessary to admit frankly that Howe during his whole career could never be classed as thoroughly judicious in his general movements. As a political tactician he was unsurpassed, but he had an impul-

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sive temperament in his every day dealings with men, which very often led him to do things indiscreet for a political leader, and to utter not infrequently bitter words which would long rankle in the breasts of his victims. Johnston at this time was intimately identified with the Baptist body and he and the eminent men who united with that body at the same time were regarded with considerable interest and pride by the Baptists generally throughout the province. Although seated round the same council board politically, no one at the time doubted that Mr. Johnston, was, to all intents and purposes, sympathizing with and aiding and supporting those Baptists associated with the *Christian Messenger*, with whom Howe was carrying on a violent personal struggle.

Another still more acute cause of dissent arose at this time, when Johnston and Howe were sitting as colleagues in Lord Falkland's council. It may be mentioned that Howe from the earliest period was deeply interested in the great question of education, and nothing which pertains to the public life of a country, viewed from every aspect, can be so far-reaching in its consequences as the proper intellectual development of the masses, through the agency of public schools. As early as 1841 Howe introduced a measure to establish a system of free schools by popular assessment. At this time, while there was a school system in Nova Scotia in a measure controlled by the board of edu-

THE SCHOOLS

cation, and small sums were voted to aid and assist common school education by the House of Assembly, yet throughout the province generally the only method of obtaining a school was by voluntary subscriptions from the people, and the teacher was very often himself compelled to go through a district and get subscriptions from those having children in order thereby to have a school established. Some of the larger towns had grammar schools which received a special grant from the legislature, but the school system of Nova Scotia was crude, unsatisfactory, and could never become permanently successful until established upon a distinct legal basis, and until the support of schools was made a compulsory charge upon the tax-payers in the section. Howe was the first Nova Scotian distinctly and explicitly to advocate this. His speech on this question was one of the noblest and most elevated of his career. He knew quite well that the proposition to impose taxation for the support of schools would be unpopular in the country and alarm the members of the House, but he did not hesitate to advocate it boldly, and to appeal to the members of the House to risk everything in order to accomplish this great reform. For the sacred purposes of education, for founding a provincial character, for the endowment of common schools for the whole population, no hesitation, he maintained, need be felt at coming to direct taxation. Few, perhaps, were more worldly than

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himself, or more alive to the value of popularity; yet he would willingly take all the blame, all the unpopularity that might be heaped on him, as one who had a share in establishing that which he proposed. They were representatives of the people, and he put it to them, as they were greatly honoured, should they not greatly dare? He called on gentlemen not to be too timid in risking popularity, and not to reckon too carefully the price of doing their duty. Were they Christians, and afraid to lay down their seats, when He from whom they received the distinguished name laid down His life for them? Were they Nova Scotians, and afraid to do that which would tend to elevate the country to the highest moral grade? If so, they were unworthy of the name. It was their duty to raise and establish the character of the country as the character of other countries had been—by the intelligence of the people.

It was not destined that the honour of establishing a free school system should become the endowment of Mr. Howe. That glory belongs to another; but that Howe's persistent and eloquent advocacy paved the way to the later achievement of Sir Charles Tupper, in 1864, is an undoubted fact, and entitles him to a large share in the credit for this noble measure.

But the question in relation to education which resulted in acute difference between Johnston and Howe, while members of the same cabinet, related

THE COLLEGES

to the establishment of colleges. The Church of England had founded King's College early in the century and it was for a time the only institution that could be regarded as possessing collegiate powers. Dalhousie College had been called into existence early in the century as the result of the appropriation of a large sum of prize money taken in the war of 1812 and entitled the "Castine Fund," but this institution had been apparently taken possession of by the Presbyterian body, and with great illiberality they had refused to appoint the Rev. Mr. Crawley, now an eminent Baptist divine, to a professorship in the institution on account of his religious views. This induced the Baptists to found an institution at Wolfville, called at first Queen's, but soon after, Acadia College. The institution was started in 1839, and has existed by the voluntary contributions of the Baptist body, and has steadily grown and expanded until this day, when it has become one of the most important collegiate institutions in the Maritime Provinces. The Catholics also founded a collegiate institution, and the Methodists were calling into existence their institutions at Sackville, N.B., on the border line between the two provinces and supported by the Methodists of both. Thus in a province of less than three hundred thousand people, five colleges, sectarian in their character, were in existence.

Mr. Howe believed that these colleges were unnecessarily multiplying burdens upon the people,

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and affording only a minimum of efficiency in the direction of university education, and he therefore openly and boldly favoured the establishment of one central college, free from sectarian control and open to all denominations, maintained by a common fund and rallying round it the affections of the whole people. A resolution supporting this proposition was submitted to the legislature, under Howe's inspiration, by his friend Mr. Annand, seconded by Mr. Herbert Huntington. Howe made a very able speech in its support, in the course of which he stated that when he looked abroad on the works of Providence he saw no sectarianism in the forest or in the broad river which sparkled through the meadows; and asked why we should be driven to the conclusion that men could not live together without being divided by that which ought to be a bond of Christian union.

As a matter of principle Howe was unquestionably sound in this view, and if his policy in respect to one central university had prevailed in Nova Scotia, it is quite probable that greater efficiency in respect to higher education would have resulted. But his uncompromising course on the question was unwise from a political point of view, as the result demonstrated. Taken in connection with his recent quarrel with the *Christian Messenger* and leading men in the Baptist denomination, it was only calculated to add fuel to the flame. The Baptists at that moment were zealously employed

ACADIA COLLEGE

in the work of building up Acadia College, and the project had taken root in the hearts and consciences of the great mass of the denomination. Mr. Johnston, as one of the leaders of the Baptist body, was naturally called upon to defend his college, and incidentally the denominational system. This brought him into direct conflict with Howe on an important public question, which at that moment had become a burning one. The inevitable result of such a controversy would be to alienate from Howe and his party a powerful section of the Baptist body, and several seats in the Nova Scotia legislature were likely to be influenced in a considerable measure by the Baptist vote. Mr. Howe, as the result showed, paid dearly for his chivalrous advocacy of a non-sectarian provincial university, and the acute contest between these two men, both of them sitting at the same council board, constitutes, as has been said, another of the grotesque anomalies which must inevitably follow from a government constructed on the lines upon which Lord Falkland insisted. The *Christian Messenger* fulminated furious attacks upon Howe week after week, and Johnston himself, at a Baptist association in Yarmouth, in the course of an inflammatory speech, animadverted with great severity upon the action of the House of Assembly in passing the resolutions which Mr. Annand had moved and Mr. Howe had supported. Howe, in self-defence, held a series of meetings to discuss this college

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question, the first in Halifax, when a resolution was passed endorsing his policy; then he visited Colchester, Hants, and Pictou.

While Howe was absent in the autumn of 1843 attending these meetings, the executive council, under Johnston's leadership, was called together and a proposal made for dissolution. Howe was summoned to attend, but he had made engagements for two meetings which detained him on the way. Before he got to the capital, an order-in-council dissolving the House was passed. This course was justly regarded by Howe and his friends as unwise and uncalled for. The term of the House had not nearly expired and the government had received a steady support for all its important measures, thanks to the influence which Howe was able to exercise. The dissolution was to take place at a time when acute differences of opinion were being publicly proclaimed on an important question, between Johnston, the leader of the government, and Howe, the leader of the Liberal element in it.

But Johnston had a definite purpose in this sudden dissolution of the legislature. He perceived that Howe had alienated influential interests in Nova Scotia by his unfortunate difficulties with the Baptists, and on account of his zealous advocacy of a central university as against sectarian colleges, and he conceived the idea that he would dissolve the House and set himself to the task of securing a majority of members in the assembly who would

A PRECIPITATE ELECTION

be in sympathy with himself and his views. In furtherance of this, Johnston resigned his seat in the legislative council and accepted a nomination for the county of Annapolis, then represented by a supporter of Howe. Annapolis was a strong Baptist constituency and Johnston relied upon the influence of denominational pride and sympathy to enable him not only to carry his own seat, but also the two remaining seats in the county.

Some of Howe's friends, when this dissolution was announced, seeing in it plainly a determination on the part of the majority of the council, with Johnston at their head, to conduct matters according to their own views and without regard to the wishes and sentiments of Howe and his friends, urged him to resign and bring on a crisis then. But Howe did not concur in this view, and indicated to Lord Falkland his judgment of the situation. If Howe and his friends should carry a majority of seats in the election, the true policy for Johnston would be to resign and allow him to form an administration. If Johnston obtained a majority of seats, the true policy would be for him (Howe) to leave the government and let Johnston form an administration composed entirely of his own political friends. This most rational proposal Lord Falkland declined to entertain, adhering to his fatuous scheme of having a council composed of men of all political views.

During the election, which Howe and his friends

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entered upon with much discouragement and want of spirit, he constantly advocated the idea of party government, and announced that the administration hereafter should depend upon the result of the coming elections. Mr. Johnston, on the other hand, supported Lord Falkland's idea that government should not be conducted upon party lines, but he had in his mind all the while a fixed determination that, if he could by any possibility obtain a majority of members favourable in the new House, he would rule according to his own views and let Howe and his friends take care of themselves.

The election took place late in the year 1848, and the result was for a time in doubt. Both parties claimed a majority. As a matter of fact, the event proved that Johnston could count upon a majority of one in the new assembly.

After the elections were over Howe and his friends in the government did not resign, and it is possible that if Johnston had pursued a wise course he might have placed his antagonist in an embarrassing position. But, almost immediately after the election, he committed a distinct blunder, which afforded Howe the very opportunity he wished, to retire from the cabinet. The mistake was nothing less than calling to the executive and legislative councils Mr. M. B. Almon, a bitter Tory, who had been active in opposing Howe in his election in Halifax, and who was a brother-in-law of Johnston himself. The instant this was announced Mr. Howe,

RESIGNATIONS

Mr. J. B. Uniacke and Mr. James McNab retired from the government. It was one of the conditions upon which Howe and his supporters had entered the cabinet three years before, that as vacancies occurred, friends of the Liberal party should be called to the council. William Young had been appointed in 1842, and resigned on accepting the speakership in 1843. The vacancy belonged to the Liberals, and the arbitrary filling of it by the appointment of so pronounced an opponent as Almon made it impossible for Howe and his friends longer to endure the unpleasant position in which they were placed.

Lord Falkland called upon these gentlemen to give reasons for their resignation, which Howe promptly did in clear terms, as did also Messrs. Uniacke and McNab. At a later time further negotiations were set on foot by Lord Falkland to induce these gentlemen to come back. Mr. Dodd, the solicitor-general, was made the medium of communication. His attempt was unsuccessful, as these gentlemen distinctly declined the proposition. At the first session of the new parliament a resolution of want of confidence was soon moved, and this Johnston was able to defeat by a vote of twenty-six to twenty-five. This tested the strength of parties in the House, and during the parliamentary term Johnston had to rely upon this narrow vote to secure the adoption of his measures.

CHAPTER V

HOWE VS. FALKLAND

AS soon as it became evident that Lord Falkland was determined to carry out his own superficial views of government, and that Johnston intended to hold office by his majority of one in the House, Howe's course became clear. The task he set before him was to devote his energies to stirring up public opinion against Johnston and his government, and to make sure of securing a majority of members at the next general election. The contest for these three memorable years was, perhaps, the most conspicuous in the record of Howe's career. Party feeling was intense at this moment and Howe saw clearly that by keeping the Liberal party compactly together in the House and in the country, and compelling the administration to be carried on by members of the Tory party alone, he could bring about the exact condition of things for which he had always been struggling. If he carried a majority of seats in the assembly at the next election, he could force the resignation of Johnston's government and cause the creation of an administration which would represent the views and policy of the Liberal majority, and thus would end forever irresponsible governments, hybrid

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administrations, and impose for all time to come upon any administration hereafter formed in Nova Scotia the necessity of having the support and confidence of a majority of the people's representatives.

The contest was, of course, in a large degree, between Johnston and Howe, but, ultimately, owing to the somewhat foolish conception of his position on the part of Lord Falkland, the contest was really for a considerable time between the governor and Mr. Howe, and this part of it was conducted with the utmost bitterness. An employee of the government and a friend of the lieutenant-governor began a series of scurrilous newspaper articles attacking Mr. Howe. Howe took no notice of the writer of the articles, but held Lord Falkland directly responsible for their publication, and, over his own signature, addressed scathing open letters to Lord Falkland, which constitute the very acme of vituperative literature.

It has been mentioned that Mr. Annand became proprietor of the *Nova Scotian* and *Morning Chronicle* in 1843. As Howe had resigned his seat in the government and also his office as collector of customs, it was the universal judgment of his friends that he should resume the editorial management of these party papers, and in May, 1844, his first editorial appeared. It was written in his characteristic style, and, as an illustration of the peculiar qualities by which Howe could endear himself to

AN EDITORIAL

the masses of the people, a quotation from this article will be read with interest :—

“ Hardly had we taken our seat upon our old acquaintance (the editorial chair) when we fancied that ten thousand ties which formerly linked our name and daily labours with the household thoughts and fireside amusements of our countrymen, aye, and countrywomen, were revived as if by magic. We stepped across their thresholds, mingled in their social circles, went with them to the woods to enliven their labours, or to the field to shed a salutary influence over their midday meal. . . . And we had the vanity to believe that we would be everywhere a welcome guest; that the people would say, ‘ Why, here is Howe amongst us again ; not Mr. Speaker Howe, nor the Hon. Mr. Howe, but Joe Howe, as he used to be sitting in his editorial chair, and talking to us about politics, and trade and agriculture; about our own country and other countries ; making us laugh a good deal, but think a good deal more even while we were laughing.’ Such is the reception we anticipate, homely but hearty ; and we can assure our countrymen that we fall back among them, conscious that there is no name by which we have been known of late years among the dignitaries of the land that we prize so highly as the old familiar abbreviation.”

During these three years and more of toil, Howe was the great inspiring personality of the Liberal party. Mr. Annand, who was associated with him

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in the editorial office every day during the struggle, thus describes him at this period :—

“Nothing could exceed the buoyant and cheerful spirit with which Mr. Howe applied himself to the task which he had assumed, of routing Lord Falkland, and his government, horse, foot and artillery, at the next election. In the darkest hour he never despaired. He played through labours multifarious, and which, to a person of different temperament and training, would have been irksome. His arm-chair became the centre and rallying point of the whole party. Our office was rarely empty ; his house, when at home, never. We have often seen him dashing off an editorial, which was to set the whole province laughing or thinking, surrounded by a mob of friends planning some movement or preparing for some meeting. We have known him work when he was weary ; inspire others with cheerfulness, when his heart was sad ; and he thought as little of galloping over two or three counties and addressing half a dozen public meetings, as others would think of a drive round ‘the Point.’”

Howe’s versatility during this period of conflict was marvellous, but perhaps it may not add to his reputation to enter too fully into his contributions to the political literature of the day. Not content with caustic prose, he lampooned his opponents in verse. One of these poetical effusions entitled “The Lord of the Bedchamber,” created much comment at the time, and was, of course, severely criticized

SATIRIC VERSES

by his opponents. It appears that Lord Falkland had been one of the Lords of the Bedchamber prior to his coming to Nova Scotia, and it was to him under this name that the poem was addressed. The whole poem is a clever bit of satire, but scarcely of sufficient interest to quote in full. Its style can be gathered from the first two verses :—

The Lord of the Bedchamber sat in his shirt,
(And D—dy the pliant was there),
And his feelings appeared to be very much hurt,
And his brow overclouded with care.

It was plain from the flush that o'ermantled his cheek,
And the fluster and haste of his stride,
That drown'd and bewildered, his brain had grown weak,
From the blood pump'd aloft by his pride.

Another pasquinade, supposed to be addressed by Lord Falkland to Lord Stanley, at that time colonial secretary, contains the following as a sample of Howe's genius in galling satire :—

In my public despatch, my position, *en beau*,
Is set off to the greatest advantage, you know ;
When you read it you'll think I have nothing to bore me,
But am driving Bluenoses, like poultry, before me.
I'm sorry to own, yet the fact must be stated,
The game is all up, and I'm fairly checkmated.
The Poacher in Chaucer, with a goose in his breeches,
Was betrayed by the neck peeping through the loose stitches.
And I must acknowledge, unfortunate sinner,
As my griefs are enlarging, my breeches get thinner ;
And I feel if I do not soon make a clean breast,
That from what you observe you will guess at the rest.
But while talking of geese, it is said, in some ruction,
That Rome, by their cackling, was sav'd from destruction—
The luck of the Roman runs not in my line,
For I am destroyed by the cackling of mine.

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The first session of the new parliament was marked by protracted debates on the political situation. Mr. Howe made a lengthy speech in defence of his conduct both in going into and leaving the administration (but he was careful in this speech to omit anything that savoured of a personal attack upon Lord Falkland), and also setting forth the principles upon which an administration should be formed and continue in office. Then followed the efforts of Lord Falkland to induce leading men of the Liberal party to enter the administration on the condition that Howe should be excluded. These not only failed, but they impelled Howe to that course of vigorous and bitter attack upon Lord Falkland which ultimately drove him from the province.

During the summer of 1844, Mr. Howe visited parts of Nova Scotia, holding public meetings in Wilmot, Windsor, Newport, Maitland, Parrsboro, Maccan, Amherst, Wallace and Musquodoboit. His tours over the province were made on horseback. He often addressed three meetings in a day, attended public dinners, and participated in the evenings in country balls. It is impossible to describe the enthusiasm which he created among his friends and admirers in all parts of the province. At the meetings his eloquence captivated the hearts of his hearers; in social life he was simply irresistible. Most of his time at public gatherings, when he was not speaking, was spent moving round

SPEECH AT CORNWALLIS

freely among the people, especially the women; he was brimful of humour, and elicited the ardent regard of every person with whom he came in contact. At each of these great popular addresses he was certain to indulge in some delightful and unique outburst, based upon the surrounding incidents, which evoked great enthusiasm.

The biography of Mr. Howe, properly speaking, cannot be written. The only true picture of his career can be obtained by extracts from his innumerable public utterances upon all questions and upon all occasions. The compass of this book makes this impossible. At an immense picnic at Cornwallis, where fifteen hundred persons of both sexes were assembled in the open air to welcome the hero of responsible government, Mr. Howe made the following reference to the ladies of King's county, whose health he proposed :—

Sculptors and painters of old stole from many forms their lines of beauty, and from many faces their harmonies of feature and sweetness of expression ; but from the groups around him, individual forms and single faces might be selected, to which nothing could be added, without marring a work, that, if faithfully copied, would stamp divinity upon the marble, or immortality on the canvas. He had seen other countries and admired their wonders of nature and of art. Germany had her Drakenfels, and Scotland her mountains, France her vineyards, England her busy marts, and Ireland

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her depths of verdure—each and all had some peculiar charm, some native characteristic, that Nova Scotians must be contented to admire, and satisfied to want; but when he came to contemplate that first, best gift to man, he could place the girls of his own wild country beside those of any portion of the globe, and thank Providence that those who were to lie in our bosoms and beautify our homes, were their equals in personal loveliness, in tact and virtue.

Addresses of a complimentary character were presented to Mr. Howe in all the places which he visited during this campaign, one of which will serve as an example of the manner in which he was regarded by his ardent followers in Nova Scotia:—

“Mr. Joseph Howe:—Sir, It is with feelings of no ordinary joy and gratification that we welcome you to our fertile county. No language at our command can adequately convey to you the unfeigned satisfaction and heartfelt gratitude with which we have ever witnessed the untiring zeal and perseverance you have displayed, in supporting our best interests during the whole tenor of your political career. Time would fail us to enumerate even the more prominent scenes in which you have stood forth the friend and champion of the people, and triumphantly fought their battles, both with your pen and in the legislative arena, and by which you have won their lasting confidence and affection. But we feel it a duty incumbent on us to mark

FRICITION

with peculiar applause and approbation, that noble and disinterested act by which you and your associates cast off the shackles of office, and came forth the staunch and unfettered guardians of the people's rights.

"For this, as well as for the successful exertion of a whole lifetime spent in promoting the glorious cause of British colonial freedom, in the name and on behalf of the reformers of King's county, we beg to tender you our best thanks and confidence, and our sincere and earnest wishes for your future usefulness and prosperity.—King's County, July 17th, 1845."

The second session, 1845, was the scene of the most memorable contests between the two political parties that have marked the political history of Nova Scotia. At the former session Howe still had confidence in Lord Falkland and no desire to do him injustice. That nobleman had, in a fatuous manner, identified himself with the opponents of Howe, and had taken a course so hostile to him personally that, as we have said, the contest became for a time more peculiarly one between Mr. Howe and Lord Falkland than between Mr. Howe and Mr. Johnston. In this session Mr. Uniacke moved a resolution, the general effect of which was to express lack of confidence in the existing administration. Upon this Mr. Howe made a speech in the legislature, which occupied several hours in delivery and was regarded as the greatest

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parliamentary effort he had hitherto made. In reply to this nearly every prominent man in the legislature, from Johnston down, who was opposed to Howe, made answer, nearly all of them speaking in a tone of bitterness and unsparing invective. After ten days debate Howe rose and made a general reply, as long, as able and as vigorous as his first effort. The opening words of this speech will serve to illustrate the delightfully easy and racy manner with which he invariably began his public utterances :—

“Mr. Chairman,—There is a good story told of an Irishman, who was put in the pillory for saying that the city authorities were no better than they should be. He bore the infliction with exemplary patience, and severe enough it was; for every silly fellow who expected an invitation to the mayor’s feast, every servile creature, who aspired to a civic office, strove to win favour by pelting him with conspicuous activity. When the hour expired, and a goodly array of missiles had accumulated upon the stage, the culprit, taking off his hat and bowing politely to the crowd, said, ‘Now, gentlemen, it is my turn,’ and, commencing with his Worship, pelted the crowd with great dexterity and effect. The Irish, who always relish humour, were so pleased with the joke, that they carried the man home on their shoulders. I have no expectation that my fate will be quite so triumphant, but no gentleman will question my right to follow the example. I have

GOVERNMENT SUSTAINED

sat for ten days in this political pillory ; missiles of every calibre have hurtled around my head ; they have accumulated in great abundance, and if my turn has come, those by whom they were showered have no right to complain. As first in dignity, if not in accuracy of aim, perhaps I ought to commence with the learned and honourable Crown officer ; but there is an old Warwickshire tradition, that Guy, before he grappled with the dun cow, tried his hand upon her calves ; and perhaps it would be as well, before touching the learned attorney-general, that I should dispose of the strange progeny his political system has warmed into existence. The eagle, before he lifts his eye to the meridian, learns to gaze with steadiness on the lesser lights by which he is surrounded ; and, as ‘Jove’s satellites are less than Jove,’ so are the learned leader’s disciples inferior to their master.”

Mr. Uniacke’s resolution was voted down by a majority of three, and the government was thus saved for another session.

During this session an incident somewhat unique in parliamentary government occurred in the House. Those who are familiar with Lord Durham’s famous report are aware that in it is broached the idea of an intercolonial railway connecting the Maritime Provinces with Quebec. In 1845 some capitalists in London set on foot the organization of a company to undertake such a work, and Mr. George R. Young, brother of William Young, then speaker

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of the House, being in London, associated himself with the movement, and the law firm, consisting of his brother William and himself, were made solicitors of the company. During the session a despatch from Lord Falkland to the colonial secretary was brought down and read in the House, in which Mr. George R. Young's name and that of his brother were repeatedly mentioned, and in which they were held up to condemnation as associates of reckless and insolvent men. The principle of mentioning private persons in official despatches was entirely unsound and would not be dreamed of at the present time, and only illustrated Lord Falkland's utter failure to appreciate his constitutional position as lieutenant-governor.

Many members of the House were indignant, and especially the speaker, who, occupying the chair, had no opportunity to refer to it. It was inevitable that some comment should be made upon it, and most public men would have taken occasion to animadvert upon this practice in terms of depreciation. Mr. Howe, whose feelings for Lord Falkland, it will be easily recognized, were not of the kindest, saw an opportunity of giving a very striking object lesson, so he rose, immediately after the reading of the despatch, and made the following terse statement:—

Mr. Howe said that he should but ill discharge his duty to the House or to the country, if he did not, on the instant, enter his protest against the

A BOLD SPEECH

infamous system pursued (a system of which he could speak more freely now that the case was not his own), by which the names of respectable colonists were libelled in despatches sent to the colonial office, to be afterwards published here, and by which any brand or stigma might be placed upon them without their having any means of redress. If that system were continued, some colonist would, by and by, or he was much mistaken, *hire a black fellow to horsewhip a lieutenant-governor.*

Naturally, this extraordinary characterization created great excitement. The question of order was raised. It appeared that no one had taken down the words, yet a vote of censure was moved by the government party and carried by their usual majority. Howe immediately addressed a long letter to his constituents on the incident, in which, in scathing terms, he dwelt upon the whole principle involved in the recent official despatches of Lord Falkland, and concluded with the following words:

“‘But,’ I think I hear some one say, ‘after all, friend Howe, was not the supposititious case you anticipated might occur, somewhat quaint and eccentric, and startling?’ It was, because I wanted to startle, to rouse, to flash the light of truth over every hideous feature of the system. The fire-bell startles at night, but if it rings not the town may be burned, and wise men seldom vote him an incendiary who pulls the rope, and who could not give the alarm, and avert the calamity, unless

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he made a noise. The prophet's style was quaint and picturesque when he compared the great king to a sheep stealer; but the object was not to insult the king, it was to make him think, to rouse him, to let him see by the light of a poetic fancy the gulf to which he was descending, that he might thereafter love mercy, walk humbly, and, controlling his passions, keep untarnished the lustre of the Crown. David let other men's wives alone after that flight of Nathan's imagination; and I will venture to say that whenever, hereafter, our rulers desire to grill a political opponent in an official despatch, they will recall my homely picture, and borrow wisdom from the past."

It would not be profitable to dwell further upon the acute and virulent conflict which continued for some time between Lord Falkland and Mr. Howe. It is sufficient to note that his Lordship was the first to grow tired of it, and at last, notwithstanding the support of his government, Lord Falkland became impressed with the disagreeable position in which he found himself placed. On January 1st, 1846, he omitted the usual levée at government house, recognizing that owing to his personal embroilment in the political affairs of the province, it would take almost entirely a partisan hue. No dinner or levée was held on the Queen's birthday, May 24th, and at last on August 3rd, Lord Falkland packed up his effects and sailed for England, where he soon after received another appointment

SIR JOHN HARVEY

as governor of Bombay. This was the second lieutenant-governor whom Mr. Howe, in the brief period in which he had been in public life, had driven to the wall.

Sir John Harvey, who had been governor of New Brunswick, and later of Newfoundland, was Lord Falkland's successor, and he arrived on August 11th, 1846. No appointment could have been better suited to meet the difficulties then existing in Nova Scotia. Sir John Harvey was himself a broad and liberal-minded man, and although he acted loyally upon the advice of his ministers on his arrival in the province until they were driven from office, yet unquestionably his sympathies were altogether with those who were struggling to secure constitutional government in Nova Scotia. After he had been a few months in the province he submitted a memorandum to his ministers, intimating his belief that the council should be filled up, and that it would be desirable to have leading men in the opposition offered places in the administration. The council acted upon the request of the governor and made overtures to Messrs. Howe, Young, Doyle and McNab, and these gentlemen were well assured that, if they accepted the positions thus tendered to them, they would have the confidence and support of the governor. But Howe never proposed that any such step should be taken. In the course of a year a general election must take place and his settled policy was that the situation should not

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be hampered by coalitions, but that a straight issue between the two parties should be submitted to the people, and the result of the elections determine the complexion of the administration. So in a very lengthy and elaborate paper, prepared by Howe himself, the Liberal leaders respectfully declined this proposition.

Nothing occurred in the session of 1847 to call for special note. Mr. Johnston had introduced, and carried, an excellent measure providing for simultaneous polling at the general election, which experience has amply demonstrated to be a great improvement on the old system of having elections peripatetic in their character and lasting ten days or a fortnight. After the session was over, about the end of March, both parties were absorbed in the approaching elections.

It may be mentioned that after the session of 1845, Howe with his whole family removed from the city of Halifax to a farm in Upper Musquodoboit, in the eastern part of Halifax county, forty or fifty miles from the capital, where they spent two years. Mr. Howe's own words in respect of this Musquodoboit residence may be appropriately quoted:—

“They were two of the happiest years of my life. I had been for a long time overworking my brains and underworking my body. Here I worked my body and rested my brains. We rose at daylight, breakfasted at seven, dined at twelve, took tea

MUSQUODOBOIT

at six, and then assembled in the library, where we read for four or five hours almost every evening. I learned to plough, to mow, to reap, to cradle; I knew how to chop and pitch hay before. Constant exercise in the open air made me as hard as iron. My head was clear and my spirits buoyant. My girls learned to do everything that the daughters of our peasants learn, and got a knowledge of books which, amidst the endless frivolities and gossiping of city life, they never could have acquired. My boys got an insight into what goes on in the interior of their own country, which should be of service to them all their lives. I read the *Edinburgh Review* from the commencement, and all the poets over again; wrote a good deal, and yet spent the best part of every fine day in the fields or in the woods. My children were all around me, and in health, and although I had cares enough, as God knows, and you know, I shall never, perhaps, be so happy again."

When the session of 1847 was over, Howe returned for a short time to his Musquodoboit home to rest, but it was early made manifest that the government and its friends intended to use desperate measures to secure the elections. Howe was, of course, to contest the city and county of Halifax with three colleagues, and the Conservatives had nominated four strong men to oppose them. Stories, pretty well authenticated, are told of handsome election funds which were raised by some of the

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wealthy members of the privileged class in Halifax to aid in the contest. Howe returned from his farm in May and began his campaign, first addressing a series of meetings in his own county; then he made a tour of the province, visiting twelve of the eighteen counties, and during this tour addressed sixty public meetings, accepted fifteen public dinners, and rode and drove thousands of miles. It would be impossible adequately to describe the enthusiasm which Howe's personal presence inspired as he moved over the province. His public speeches were admired, but his personality, as he shook hands and cracked jokes with thousands of men and women, was a greater feature in evoking personal regard than even his matchless and persuasive addresses.

The elections were held on August 5th, and resulted in the Liberals obtaining a handsome majority. Mr. Howe and his three colleagues were returned for Halifax. After the election, worn out, he went straightway to his little farm in Musquodoboit, but before he reached the Middle settlement, the inhabitants of the entire section turned out in carriages and on horseback, with banners flying, to meet him, and escorted him, for some twenty miles, to his home. A wagon with the raised seat festooned with flowers, and drawn by six horses, was waiting for him; an address was presented to him by the people of Upper Musquodoboit and of Middle Musquodoboit, and every token of the esteem and affection in which he was held was

JOHNSTON RESIGNS

bestowed. "For a month afterwards," said Mr. Howe, "I did nothing but play with the children and read old books to my girls. I then went into the woods and called moose with the old hunters, camping out night after night, listening to their stories and calming my thoughts with the perfect stillness of the forest, and forgetting the bitterness of conflict amidst the beauties of nature."

Johnston and his associates did not accept their defeat gracefully. Although no doubt as to the result of the election could exist, yet Johnston took no steps to vacate office, and met the House on January 22nd, 1848. Howe proposed Mr. William Young for speaker. This was bitterly opposed by Johnston and the government. Mr. Young was elected by six majority. Still no resignation. On January 24th, Mr. James B. Uniacke moved an amendment to the address, concluding with this statement, "and we consider it our humble duty respectfully to state that the present executive council does not possess that confidence so essential to the promoting of the public welfare, and so necessary to insure to Your Excellency the harmonious co-operation of this assembly." This was carried by a vote of twenty-eight to twenty-one, and, the day after, Mr. Johnston's government resigned, and Mr. James B. Uniacke was called upon to form an administration.

CHAPTER VI

THE LIBERAL MINISTRY

THOSE who have perused the preceding chapters, and have formed, it is hoped, a justly high opinion of Mr. Howe's talents and achievements, of his splendid courage, his unceasing devotion to the Liberal cause, his unrivalled eloquence and his matchless power of winning the confidence and affection of the masses, will probably wonder why, when the Tory government had been driven from office, Howe himself was not called upon to form an administration. Those who will take the pains to study carefully and philosophically the history of popular government throughout the world will scarcely need an answer. Public life in all free countries reveals usually two classes of men, one which possesses great talent, great courage, great intellectual endowments and capacity to revolutionize events and make history; another, which, but moderately endowed with these particular qualities, has the advantage which mediocrity always bestows of possessing the confidence of average people, by dint of a reputation for judiciousness derived from the possession of average qualities. In former days in Great Britain, such men as the Pitts were able, it is true, to obtain the premierships, and in these

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later days, Mr. Gladstone and Lord Beaconsfield might perhaps be classed as the distinguished exceptions to the general rule, although a careful insight into Lord Beaconfield's career indicates that he possessed to a very marked degree the quality of gauging public opinion and adjusting himself to it. But for the most part the premiers of Great Britain have been men of average, all-round ability, but who could reckon among their qualities that of being able to appeal to the ordinary mortals whom they were governing. In the United States, Daniel Webster, Henry Clay, John C. Calhoun and James G. Blaine could never be president, but James Polk, James Buchanan, Millard Fillmore, Rutherford B. Hayes and Benjamin Harrison could. The history of Canada and her several provinces has illustrated, often enough, the principle that the man who obtained the leadership was not necessarily the man who was guiding the policy of the country or making history. Mr. James B. Uniacke was a gentleman of education, wealth, high social standing, and of long experience in public affairs, and it was most natural that he should have been chosen to lead the administration to be formed. He chose for his colleagues Messrs. Michael Tobin, Hugh Bell, Joseph Howe, James McNab, Herbert Huntington, W. F. Desbarres, Lawrence O'C. Doyle, and George R. Young.

The defeat of a Tory administration, and the accession, as a result, of a Liberal administration,

THE NEW ADMINISTRATION

constitutes the final act in the triumph of responsible government in Nova Scotia. The advent of Lord Elgin to Canada on the departure of Lord Metcalfe may be named as the period when responsible government in its amplest form received full recognition in the larger provinces of Canada. Never, after 1848, was the idea entertained in any province of British North America, having a constitution, that an administration could hold office an hour longer than it had the confidence of the people represented in the popular branch.

The new administration had some unpleasant reforms and changes to make. In the formation of the administration Mr. Uniacke became attorney-general, and Mr. W. F. Desbarres solicitor-general, and these were the only departmental offices that then existed. Sir Rupert D. George has been mentioned as perpetual provincial secretary ; it was determined to get rid of him. He resigned his seat in the executive with the rest of the government, but he did not think of resigning his office as provincial secretary. Provision was made by order-in-council for a retiring allowance, and he, having obstinately refused to bow to the popular will, was dismissed, and Howe became provincial secretary, holding it as a departmental and political office, subject to the exigencies of the government to which he belonged. The treasurer was an officer hitherto appointed by the governor, who had exercised this power in Lord Falkland's time by the

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appointment of Mr. Samuel P. Fairbanks. This was loudly protested against, and Howe gave pledges that this officer should be a responsible minister. A departmental bill was introduced whereby the two departments of financial secretary or finance minister, and receiver-general or treasurer were created, and these offices were bestowed, the first upon Mr. Herbert Huntington, and the last upon Mr. James McNab. The casual and territorial revenues were taken possession of by the government, and the salaries of the various officials, including the governor, judges, etc., were provided for by a civil list made statutable, and subject at all times to the independent action of the legislature of the province. Great official documents of protest went to the colonial office from all the officials affected, but they were met triumphantly in able official despatches prepared by Howe, and it is to be noted that the lieutenant-governor, Sir John Harvey, stood loyally and steadily with the members of his administration in all the acute measures which they were compelled to take in order to give full effect to the principles of responsible government. In a despatch by Sir John Harvey to the colonial secretary, dated soon after the formation of the new administration, he makes this observation:—"I may therefore, perhaps, venture to regard the introduction of a system of responsible government in Nova Scotia, as having been practically effected upon fair, just principles, and without the necessity

CONSTITUTIONAL REFORM

of having recourse to any measure of a stringent character, except in the single instance of the provincial secretary, and that a great step has been taken towards the political tranquilization of this long distracted colony, inasmuch as I apprehend no factious opposition, to any measure of acknowledged utility, from the party under the guidance of my late government." This may be fairly taken as an official pronouncement of the establishment of responsible government.

In looking over the long and arduous struggle, two or three things may be safely predicted without fear of challenge. The author, the moving spirit, the supreme champion, and the acknowledged hero of responsible government in Nova Scotia, was Joseph Howe. He achieved it by perfectly constitutional means; not a disloyal word was uttered by him or his friends during the entire contest, though perpetually branded as rebels and provoked by official stupidity. He lent the weight of his great influence to uphold constitutional methods, in the struggle in Canada and New Brunswick. He discountenanced rebellion and bloodshed in both Upper and Lower Canada, and when at a later date riots occurred in Montreal, when Lord Elgin was pelted with rotten eggs, and the parliament buildings burned by a mob because of a measure to compensate losses by rebellion, and when, also, the British American League was organized in Montreal, revolutionary in its aims and disloyal in

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its utterances, Howe addressed a letter to the Hon. George Moffatt, the president of the League, dated May 8th, 1849, in which he threw upon the entire movement the greatest possible opprobrium, and in scathing terms intimated that no sympathy could be expected from the provinces by the sea in this disturbing and disloyal movement. Some extracts from this famous letter will certainly be read with interest, and will illustrate Howe's incisive method of dealing with current topics:—

“We gather from the ‘scholastic production’ to which your name is attached, that a convention, called by yourself, is to supersede the parliament of Canada. This movement for dispensing with the services of the legislature, it seems to us Nova Scotians, very naturally generated the idea that the building in which it sat was an encumbrance; and that its books and papers, fraught with occult sciences and varied superstition, were dangerous to the progress of society. Lord Elgin, who stood in the way of Mr. Protector Moffatt, was pelted as a matter of course; and as the old parliament house was too small to hold the convention, it was very reasonable that the mob should exclaim: ‘Burn it down, burn it down; why cumbereth it the ground?’ The promulgation of your manifesto, and the occurrence of subsequent events, take us somewhat by surprise in this benighted province; but nothing appears more natural than the sequence.

“As you have appealed to North Americans in

THE HALIFAX CONVENTION

your address, and as the mob of Montreal have favoured us with their interpretations of its contents, I am induced to inquire whether it be the true one, and whether pelting the queen's representative, dispersing our parliaments, and burning our books, are to be indispensable preliminaries in joining the British American League?"

In taking office, therefore, in 1848, with responsible government fully achieved in Nova Scotia, Howe had not to lament the utterance of a seditious word or an act unworthy of British statesmen. The government so formed by Messrs. Uniacke and Howe continued during the four years term of parliament, and dealt with many questions, but it is not necessary to refer at length to these. The entire revenues of the country were placed absolutely at the disposal of the legislature; the postal system, which had been previously managed under imperial control, was vested also absolutely in the provincial government; a postmaster-general was duly appointed by the executive, and the whole post-office system made as subject to the people's control as the customs, roads or education. Howe, during his term of office, again brought forward his educational measure, and made another great speech in its behalf, but could secure no adequate support at that time from the legislature.

Early in September, 1849, a convention was held in Halifax, consisting of delegates from Canada, New Brunswick, Prince Edward Island, and Nova Scotia

—all the members of the Nova Scotia government attending as delegates. The object was to consider the commercial conditions of the country, and, after a full discussion of several days, a resolution was adopted, apparently unanimously, affirming, in effect, that a system of reciprocal trade between this country and the United States was essential to the proper commercial development of the country. This may be regarded as the first organized movement in the direction of a reciprocity treaty with the United States, which culminated in the treaty secured by Lord Elgin in 1854.

CHAPTER VII

HOWE AND RAILWAYS

WHEN Howe entered public life, railroads were just coming into vogue in the world. In 1830, the experiment of operating railways was successfully inaugurated in both Great Britain and the United States. Naturally these new and somewhat expensive means of communication were confined at first to great centres, but quickly enough began to be extended, and before 1840 they had become an important feature of transportation. An eye like Mr. Howe's could not long escape observing the necessity and utility of railways, and as early as 1835, a year before he had been elected to parliament, he wrote a long and elaborate editorial in the *Nova Scotian*, advocating a railway from Halifax to Windsor, that point being selected because it is situated on the Basin of Minas which opens into the Bay of Fundy, and would thus connect Halifax, by means of the numerous ports along the Bay, with a large section, not only of the western but of the eastern portions of the province as well.

After entering public life, Howe felt that the question of responsible government was paramount, and until Nova Scotians had the right to govern themselves and secure full control over their own

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resources and revenue, it was useless to consider other questions. For twelve years, therefore, he devoted his undivided attention to this great question, with results which we have been able to appreciate.

When the Liberal government was formed in 1848, an order-in-council was passed, at an early session, authorizing the survey of a line of railway between Halifax and Windsor. Mr. Howe, associated with Mr. W. F. Desbarres, was appointed commissioner to carry out the terms of this resolution, and a survey was made and estimates of costs given which were submitted to the legislature in 1849. The exhaustive report made by Lord Durham in 1839 constitutes the origin of many important questions which have since then engaged the attention of British American statesmen, and have led to great and far-reaching measures. One of the suggestions in this famous report was a railroad on Canadian soil to connect the Maritime Provinces with Canada. Durham urged it both as a military necessity and as a pre-requisite of the political union of British North America. However, as the imperial government and parliament did not give much effect to Lord Durham's recommendations, they did not lead to any immediate practical results in British North America.

In 1845 a company was formed in London which proposed to build a railway from Halifax to the St. Lawrence, and this proposition was submitted

THE INTERCOLONIAL RAILWAY

to the governments of the several provinces for their support. A public meeting was held in Halifax to consider the matter, and a resolution was passed asking the government to aid and support such an undertaking. In this movement, Howe did not, at first, take an active part. At the moment his chief duty was to secure the downfall of Lord Falkland and the Tory administration, and to that single purpose he devoted himself until after the elections of 1847. The legislature, however, at the instance of the governor, in 1846, adopted a resolution pledging Nova Scotia to co-operate with the other provinces interested in a joint survey of the line to the St. Lawrence, which we may designate by the name which it has since acquired as the Intercolonial Railway. The sum of ten thousand pounds was spent by the governments of Canada, New Brunswick and Nova Scotia in securing this survey which was made by Major Robinson, and has become known in Canadian history as the Robinson Line, which indeed, does not differ very materially from the line which was adopted in 1868 as the route of the present Intercolonial Railway. The Robinson survey was submitted to the legislature in 1849. Mr. Howe was then in power, and during that session the government submitted to the legislature a measure giving the right of way with ten miles of Crown land on either side, and twenty thousand pounds sterling per annum as a subsidy to be paid until the road was able to earn profits.

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Similar legislation was adopted in Canada and New Brunswick. At this time it was believed that the imperial government would also contribute to the construction of this road, which was deemed of immense importance from an imperial point of view. No action, however, was taken by the imperial government immediately, but at a subsequent date a report was obtained from a Captain Harnett, R.E., who spoke unfavourably and in disparaging terms of the entire enterprise, and the British government, in distinct terms, declined to render any assistance. Such was the position of railway matters in 1850.

So far as can be judged by his recorded utterances, and by his general policy, Mr. Howe, from the beginning, had been favourable to the policy of the construction and owning of railways by the government. He always argued with warmth that railways were, like other highways, for public utility, and should be owned and controlled by the public and for the public. Seeing nothing likely to arise out of these larger schemes which were as yet somewhat vague, Howe proposed a resolution in the session of 1850, pledging the credit of the province to the extent of three hundred and thirty thousand pounds for the construction of a railway between Halifax and Windsor, and made an eloquent speech in support of it. Naturally a new proposition involving a public debt created a good deal of opposition, and was one of those

RAILWAY PROJECTS

advanced movements which always alarm the timid and the ignorant. Howe fought for his resolution as well as he could, and foreseeing the impossibility of getting the whole sum voted, finally yielded sufficiently to secure the voting of half this sum, feeling well assured in his mind that if once the enterprise could be inaugurated he would have no difficulty in getting the remaining amount voted subsequently. During the summer of 1850, considerable excitement in railroad circles arose in connection with a scheme for uniting Portland with the Maritime Provinces by means of a road then named the European and North American Railway. This project was to unite Nova Scotia and New Brunswick by rail with the rapidly developing railroad system of the United States, and to further this movement a great railway convention was held at Portland, July 1st, 1850, and delegates from the governments of New Brunswick and Nova Scotia were invited to attend. The delegates from Nova Scotia were Mr. James B. Uniacke, the leader of the government, Mr. Johnston, the leader of the opposition, and Mr. Fraser, of Windsor. The gathering was a notable one. Great hospitality was bestowed upon the visiting delegates by the city of Portland. Eloquent speeches were made, and resolutions were adopted with great enthusiasm that a company should be formed to carry out this enterprise at once.

When the Nova Scotian delegates returned,

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a public meeting was called at Temperance Hall, Halifax, to receive their report and to take into consideration what measures should be adopted on the part of Nova Scotia to further this project. When the scheme came to be carefully examined it was found that the road would cost at least twelve million dollars and no steps appeared to have been taken at this enthusiastic Portland convention to determine where the money should be found. Certainly no company was available with sufficient capital to carry on this enterprise. The state of Maine could hardly undertake its portion of the work because it had already mortgaged its resources to the limit for railway construction within the state. The larger portion of the line would traverse New Brunswick which had scarcely two hundred thousand inhabitants and could not afford, on its own responsibility, to raise the money for this work, and Nova Scotia's contribution of one hundred and forty miles to the frontier, would involve, under the most favourable conditions, a very large sum. After resolutions had been passed, thanking the delegates for their efforts, adopting the line proposed and recommending Halifax as a terminus, Howe arose and began that active participation in railway enterprises in British North America which has placed his name foremost among all men who are associated with this critical period in Canadian history. A resolution had been moved appointing a large committee to coöperate

THE PORTLAND SCHEME

with the people of Portland. Howe made a speech on this resolution, which completely changed the whole temper of the meeting and incidentally reveals how thoroughly he had considered all phases of the railway question. He pointed out in clear and incisive terms the impracticability of this Portland scheme under existing conditions. He declared that no considerable portion of the great sum required for the construction of this road could be raised by the provincial guarantees of Nova Scotia or New Brunswick or the state guarantees of Maine. The only way that any railroads could be constructed in these provinces for a long time to come was by their government assuming the responsibility, pledging their public revenues, borrowing money and expending it directly on the work. His resolution was as follows:—

“Resolved, That, as it is the first duty of a government to construct and to control the great highways of a country, a respectful address be prepared and presented to the lieutenant-governor, praying that His Excellency would recommend the provincial parliament to undertake the construction of that portion of this important work which is to pass through Nova Scotia on a line between Halifax and the frontier of New Brunswick.”

This lucid proposition commanded instantly the unanimous and enthusiastic support of the entire meeting. An address signed by the mayor and the city council was presented to the lieutenant-

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governor urging his government to take immediate measures to secure the construction of railways in Nova Scotia, on the authority of the government's credit. The governor very soon afterwards sent a despatch to the colonial secretary, indicating the movement in favour of railway construction in the province, and the necessity of spending about eight hundred thousand pounds sterling, which at six per cent. interest, would have to be paid by the province and would amount to forty-eight thousand pounds. This, with an imperial guarantee, could be secured at three and a half or four per cent. and would thus make the annual expenditure for interest throughout the province very much less. Earl Grey, in his response under date September 21st, 1850, intimated to Sir John Harvey his entire approbation of the support which he and his administration were giving to railway construction, and stated that in his opinion it would be of the highest service to Nova Scotia and New Brunswick to have railways constructed. He concluded, however, with the statement that, while very anxious to promote the enterprise, he regretted to say that Her Majesty's government would not recommend to parliament any measure for affording pecuniary assistance for the construction of even the railway from Halifax to Quebec, and still less for the construction of any similar railway less national in its character to be undertaken by the people of Nova Scotia. This action of the imperial government is only in line

A DELEGATE TO ENGLAND

with the general policy pursued steadily for many years in colonial enterprises. It is possible, perhaps, that in the end, its result has been advantageous to these provinces, because it has fostered a spirit of self-reliance. Whether increased independence bears with it a corresponding increase of cohesion within the empire is a deeper question than the immediate future will solve.

Howe and his friends were not entirely disengaged by this summary disposal of their proposition by the imperial government, and it was determined that in order that the question be properly understood by the home authorities, capitalists and railway contractors, a delegate should be forthwith sent to England to give light upon the resources of the country, and at the same time to enlist the sympathies and produce broader views on the part of British statesmen. Howe was naturally chosen for this task, and on the first day of November, 1850, he sailed for England. Upon arriving there he at once sought an interview with the colonial secretary, Earl Grey, and after thus opening up the important subject he had come to discuss, he addressed two letters to him, embodying fully and exhaustively the exact situation in relation to the various provinces of British North America. It is necessary again to repeat that the only satisfactory biography of Howe is the publication of his own speeches and letters. A mere epitome of these letters would give no adequate idea of their

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wealth of information or bold and splendid grasp of all the great problems which, for more than fifty years since that date, have been and still are, engaging the attention of the best minds British America has produced: the advantages of railways and the necessity for better steam communication between Great Britain and Halifax; the importance of uniting all these provinces by a railway between Halifax and the St. Lawrence; the desirability and importance of making Canada, through direct imperial effort, a field for the great emigration which was going out from the British Isles; and the interest which the inhabitants of Britain themselves had in the development of the active and progressive peoples that had sprung from their loins and settled in growing communities throughout the world; and, above all, the supreme importance of binding them together in one common policy, imperial in its character, and bringing to the councils of the empire the intellect, sympathy and coöperation of all the bright minds, reared and to be reared in its outlying portions. These letters appear in the "Speeches and Public Letters," Vol. II., page 400, and may also be found in the "Journals of Nova Scotia" for 1851.

Every moment of Howe's time during his protracted sojourn in Great Britain was devoted to stirring up interest, among all classes, in British American affairs. The publication of these letters in England at once riveted the attention of the

SPEECH AT SOUTHAMPTON

foremost men in Great Britain upon this broad colonial statesman. He received an invitation from the mayor and corporation of Southampton to address a public meeting in that important seaport, and he did so on January 14th, 1851. The hall was crowded with an audience composed of the best people in the city. The speech delivered by Howe upon this occasion is regarded by many of his friends as his greatest effort. It would be difficult, however, out of such a number of orations as must be put to his credit, to assign first place to any one. It certainly was an effective address. One extract only can be given, for the speech is of great length:—¹

“When I last visited Southampton I little thought that I should ever return to it again, and certainly never dreamed that I should have the honour and the privilege to address, within its ancient walls, and with the evidences of its modern enterprise all around me, such an audience as is assembled here. I was then a wandering colonist, surveying, eleven years ago, Europe for the first time. Attracted to Southampton by the beauty of its scenery and by its old associations, when I entered your spacious estuary, and saw on the one side the fine old ruin of Netley Abbey and on the other the New Forest, famed in ancient story, I felt that I was approaching a place abounding in interest and honoured by its associations. And when I put my

¹ See “Speeches and Letters,” Vol. II., page 32.

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foot on the spot trodden in days of yore by the warriors who embarked for the glorious fields of Agincourt and Crecy, and on which Canute sat when he reproved his fawning courtiers, I felt my British blood warming in my veins, and knew that I was indeed standing on classic ground.

“But, sir, on that occasion I did not see those evidences of commercial prosperity which I was anxious to observe. In visiting to-day your splendid docks, your warehouses, your ocean steamers, your railways, and rising manufactories, which have been created by untiring energy and honourable enterprise within a few years, my pride in your historical associations was quickened and enlivened by the proofs of modern enterprise which distinguish this great seaport.

“The object of my visit to England is to draw closer the ties between the North American provinces and the mother country. To reproduce England on the other side of the Atlantic; to make the children, in institutions, feelings, and civilization, as much like the parent as possible, has been the labour of my past life; and now I wish to encourage the parent to promote her own interests by caring for the welfare and strengthening the hands of her children; to show to the people of England that across the Atlantic they possess provinces of inestimable value.”

The effect produced by this speech was gratifying. Howe was invited to attend a banquet

EFFECT OF HOWE'S VISIT

given by the corporation, his health was proposed by the mayor and drunk with great enthusiasm, and the *Hampshire Independent*, the leading paper of the city, referred to his visit and speech in terms of the highest appreciation. The metropolitan press devoted a great deal of attention to Howe's utterances on colonial questions, and in the House of Lords a discussion arose on the subject of his letters to Earl Grey. Lords Stanley and Mount-eagle referred especially in strong terms to the importance of the questions opened up by these letters, and asked the government what policy they intended to pursue in view of these representations, strongly urging that Howe's propositions be accepted.

Mr. Howe's utterances attracted another class—the railway magnates, Sir Morton Peto, William Jackson and Thomas Brassey, who were capitalists and railway contractors. They put themselves in communication with Howe, and thus became interested in Canadian railways. These men did not prove of advantage to Howe's aims and policy, but they were led to an investigation of Canadian resources, and ultimately became associated with the construction of the Grand Trunk Railway.

Of social attentions while in London on this occasion, Howe was the constant recipient, but naturally his mind was mostly absorbed in the great purpose of securing an imperial guarantee for the construction of a railway from Halifax to

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Quebec, which would carry with it a railway from Halifax to the New Brunswick border, and thus incidentally serve the interests of the eastern and northern portions of the province. In endeavouring to get some definite action on the part of the Whig ministry then in power, Howe experienced enormous difficulties. During the session of 1850-51, parliament was embroiled in acute faction fights; to such a degree, indeed, were these dissensions carried that on February 21st, 1851, about the time that Howe was hoping to have obtained favourable consideration of his propositions from Earl Grey, Lord John Russell's ministry resigned, and this left everything in doubt and difficulty. The session in Nova Scotia had already opened, and Howe realized the importance of having something to submit to the House of Assembly before it prorogued. For several days it was extremely doubtful what would become of the ministry, or whether Lord Derby or some person else would undertake to form another. This suspense lasted until March 3rd, when Lord John Russell resumed office and agreed to continue the government. By the 10th, Howe was able to obtain a letter from Mr. Hawes, written under the authority of Earl Grey, the colonial secretary, and this letter was in every way exceedingly encouraging and satisfactory. Indeed, it went further in this direction than any subsequent action on the part of the imperial government in respect to guarantees of colonial loans. A possible exception to this

LETTER OF MR. HAWES

was the undertaking to guarantee a portion of the money required for the construction of the Intercolonial Railway at the inauguration of confederation in 1867. The important points of Mr. Hawes's letter, which was somewhat lengthy, were as follows:—

“I am directed to inform you that Her Majesty's government are prepared to recommend to parliament that this guaranty should be granted, or that the money required should be advanced from the British treasury, on the conditions which I will now proceed to state. In the first place, as Her Majesty's government are of opinion that they would not be justified in asking parliament to allow the credit of this country to be pledged for an object not of great importance to the British Empire as a whole (and they do not consider that the projected railway would answer this description, unless it should establish a line of communication between the three British provinces), it must be distinctly understood that the work is not to be commenced, nor is any part of the loan—for the interest on which the British treasury is to be responsible—to be raised, until arrangements are made with the provinces of Canada and New Brunswick, by which the construction of a line of railway passing wholly through British territory, from Halifax to Quebec or Montreal shall be provided for to the satisfaction of Her Majesty's government.

“In order that such arrangements may be made, Her Majesty's government will undertake to recom-

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mend to parliament that the like assistance shall be rendered to these provinces as to Nova Scotia, in obtaining loans for the construction of their respective portions of the work. If it should appear that, by leaving each province to make that part of the line passing through its own territory, the proportion of the whole cost of the work which would fall upon any one province, would exceed its proportion of the advantage to be gained by it, then the question is to remain open for future consideration, whether some contribution should not be made by the other provinces towards that part of the line; but it is to be clearly understood that the whole cost of the line is to be provided for by loans raised by the provinces in such proportions as may be agreed upon, with the guaranty of the imperial parliament. The manner in which the profits to be derived from the railway when completed are to be divided between the provinces will also remain for future consideration."

This important letter, Howe at once communicated, with an elaborate report, to his government, and on April 5th sailed for Halifax, arriving home on the 14th.

During Howe's absence some difficulties had arisen in connection with the ministry, which involved the resignation of one of the ministers, Mr. George R. Young, and Howe was called upon to exercise his tact in allaying any unpleasant feelings that had arisen from these internal dissensions.

CONFLICTING PROJECTS

Howe's report and the despatches from Downing Street were laid before the House, and were received with an almost universal chorus of approval. Of course, those opposed to the ministry and opposed to government railways made some criticisms, but the sentiment almost universal in the legislature and throughout the province was that Howe had achieved a great work and had succeeded in an unexpected degree in enlightening Her Majesty's ministers and interesting them in the affairs of British North America.

Another difficulty which immediately presented itself to Howe was the opposition which the promoters of the Portland scheme offered to his proposal. The imperial government did not undertake to guarantee provincial bonds for the construction of a railway from Halifax to Portland. The foundation of their guarantee was that imperial interests were concerned in the construction of a railway from Halifax to the St. Lawrence, and there were many persons in both provinces who looked upon the Portland scheme as the more useful and desirable. Howe did not offer any opposition to the Portland project, but he exerted all his efforts to securing the construction of the Intercolonial Railway, regarding this enterprise as having important and far-reaching relations to the consolidation of the British American provinces and the strengthening of the empire. Howe, armed with Mr. Hawes's letter, had now the task of securing the coöperation of

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New Brunswick and Canada in furthering this great enterprise. It became necessary, consequently, that he should at once take steps to that end, though his first care was that the people of Nova Scotia should be fully enlightened upon the whole question. Before leaving, therefore, for New Brunswick and Canada, Howe addressed a great public meeting of the citizens of Halifax at Mason Hall on May 15th, and this speech sets forth in masterly terms the whole position of British North America, its importance to the empire and its great future. Note one passage:—

“ With such a territory as this to overrun, organize and improve, think you that we shall stop even at the western bounds of Canada ? or even at the shores of the Pacific ? Vancouver’s Island, with its vast coal measures, lies beyond. The beautiful islands of the Pacific and the growing commerce of the ocean, are beyond. Populous China and the rich East, are beyond ; and the sails of our children’s children will reflect as familiarly the sunbeams of the South, as they now brave the angry tempests of the North. The Maritime Provinces, which I now address, are but the Atlantic frontage of this boundless and prolific region, the wharves upon which its business will be transacted, and beside which its rich argosies are to lie. Nova Scotia is one of these. Will you, then, put your hands unitedly, with order, intelligence, and energy, to this great work ? Refuse, and you are recreants to

A PROPHETIC UTTERANCE

every principle which lies at the base of your country's prosperity and advancement ; refuse, and the Deity's handwriting upon land and sea, is to you unintelligible language ; refuse, and Nova Scotia, instead of occupying the foreground as she now does, should have been thrown back, at least behind the Rocky Mountains. God has planted your country in the front of this boundless region ; see that you comprehend its destiny and resources —see that you discharge, with energy and elevation of soul, the duties which devolve upon you in virtue of your position. Hitherto, my countrymen, you have dealt with this subject in a becoming spirit, and whatever others may think or apprehend, I know that you will persevere in that spirit until our objects are attained. I am neither a prophet, nor a son of a prophet, yet I will venture to predict that in five years we shall make the journey hence to Quebec and Montreal, and home through Portland and St. John, by rail ; and I believe that *many in this room will live to hear the whistle of the steam engine in the passes of the Rocky Mountains and to make the journey from Halifax to the Pacific in five or six days.*"

In 1871, when British Columbia was incorporated into the Dominion of Canada under the condition that a railroad should be built to the Pacific ocean in ten years, most men regarded this as a vast and, perhaps, impossible undertaking. It required faith, in 1871, to undertake such a project by a united

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Canada which had grown enormously in population and resources during the preceding twenty years. What are we to think of the great mental vision and splendid faith of a man who, before confederation was seriously conceived, could, in 1851, make a prediction that men within the sound of his voice would live to hear the whistle of the steam engine in the passes of the Rocky Mountains ?

In New Brunswick, Howe had to encounter exceptional difficulties. The interests of the greater number of the people seemed to be in the direction of the railway to Portland, and the route which Major Robinson had selected for the Intercolonial ran along the north shore of New Brunswick, where population at that time was slight ; it did not touch the cities of St. John and Fredericton, nor the populous centres of the St. John River. Howe had no less a task before him than to convert the people and government of New Brunswick to his views and interest them in carrying out their share of the project according to the terms of Hawes's letter. He addressed meetings at Dorchester, Moncton, St. John and St. Andrews, and then visited Fredericton to confer with the governor and members of the government. In his public speeches in New Brunswick, Howe grappled with the matter most adroitly and clearly demonstrated that there was no disposition on his part or on that of the government of Nova Scotia to interfere with any of New Brunswick's railway projects, but merely to interest them

HOWE'S SCHEME ACCEPTED

in a project of common advantage to all British American provinces, namely that of securing a line from Halifax and St. John to the St. Lawrence. He undertook to point out to them that by means of this promised guarantee of a loan from the imperial government, the money for both projects could be obtained upon conditions involving scarcely more obligations upon their province than one project would entail. The result of his efforts in New Brunswick was entirely successful, and he was able to induce Mr. Chandler, a leading New Brunswick statesman, to accompany him to Toronto, where he was to meet the Canadian government, with Lord Elgin at its head, on June 15th. On his way thither he passed through Portland, and being entertained by the leading citizens, he so presented his new scheme as to modify any hostility on the part of Portland or the people of Maine.

The Canadian government, after full consultation with Messrs. Howe and Chandler, promptly accepted Howe's scheme and adopted a minute of council agreeing to recommend to parliament at the next session a measure to provide their portion of the Intercolonial Railway loan upon the terms embodied in Mr. Hawes's letter on behalf of the colonial secretary. Mr. Chandler, after this order-in-council had been passed, returned at once to New Brunswick to endeavour to procure a similar order-in-council from his government. Howe remained for a short time in Canada, and he was everywhere

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received with the greatest enthusiasm. A public dinner was given to him by the citizens of Toronto, which the governor-general, Lord Elgin, attended. He and Mr. Chandler were taken to Hamilton accompanied by leading members of the legislature, and were entertained by Sir Allan MacNab. Coming down to Montreal, Howe was given a public dinner by the leading merchants of that city, at which Mr. (afterwards Sir) Hugh Allan, the president of the Board of Trade, presided. He was also given a picnic at Belœil. The public addresses of Mr. Howe in Montreal were delivered very soon after the outburst of dissatisfaction with trade matters, which led to the issuing of an annexation manifesto, and the whole tenor of his speeches was to enlarge upon the value of British connection, and to invoke not only colonial pride, but to make it coincide with a due regard to the obligations we owed to the motherland. At Quebec Howe was given a notable reception. He was invited by the mayor and corporation to address a public meeting, and his speech was lauded by the press in the most flattering terms. He was tendered a public banquet, but declined. Indeed, at this moment Howe was the most prominent figure in British North America. Mr. Angers, at the meeting at Quebec, declared that "For his zeal, talent and success in promoting the great Halifax and Quebec railway, the Hon. Joseph Howe would be considered the benefactor not only of Nova

A CHANGE OF CONSTITUENCY

Scotia but of all the North American colonies." Howe returned to Nova Scotia, passing through Dorchester, N.B., on his way. He met the Hon. Mr. Chandler, who informed him that the government of New Brunswick had ratified the agreement made in Toronto, and was prepared to construct the two lines upon the terms proposed.

On July 21st, Howe reached Halifax, and was greeted by enthusiastic demonstrations of welcome on the part of the citizens, including a display of fireworks. He had prepared a lengthy and circumstantial report of his mission to New Brunswick and Canada, which was published at once and gave universal satisfaction.

The House of Assembly was dissolved on July 26th. Mr. Howe, who had been a representative of the metropolitan constituency of Halifax since his entry into public life, resolved to seek a constituency at this election in Cumberland county, alleging as a reason that the attention required by the interests of a county so large and populous as Halifax pressed upon him too severely in connection with his larger public duties. It seems probable, however, that Howe, being well assured that Halifax was perfectly safe to elect four supporters of the government, felt it desirable that he should secure support in another constituency by his presence. The elections were sharply contested by the opponents of the government, and there were signs of opposition in the county of Cumber-

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land, but Howe on entering the county proceeded with an active canvass, rode on horseback four hundred miles in twelve days, and made twenty speeches, which produced such an effect that opposition was withdrawn.

To indicate how highly Howe was appreciated outside of the province, an extract from a speech delivered during this campaign at Amherst, by the Hon. Mr. Chandler of New Brunswick, will be a striking testimony:—

“Mr. Howe need not, on personal grounds, come to Cumberland to seek a seat. Any constituency in the three provinces would be proud to accept his services. His reputation is North American, his speeches at Southampton, his letters to Earl Grey, have elevated all the provinces in the estimation of Europe—have roused them to a knowledge of their own resources. I do not hesitate to say that no other man in the empire could have conducted that negotiation so ably, that no other man could have ripened this great scheme, so far, or can now bear up the weight of it in the legislature. This we all feel to be true; but what I admire about Mr. Howe is the simplicity of his manners, combined with such high intellectual resources. Negotiating with ministers of state, at the governor-general’s council board, or even in the presence of his sovereign, as beneath the lowly roof of the humblest farmer in the land, he is ever the same—**Joe Howe.**”

The result of the election was altogether favour-

RAILWAY MEASURES PASSED

able to the government. Halifax returned four supporters; Howe and his colleagues were elected in Cumberland by acclamation, and a good working majority was obtained.

The railway policy, which had thus been apparently consummated, so far as the three provinces were concerned, was doomed to be shattered. The compass of this work does not include a history of Canada, nor is it profitable to enter into details of the difficulties which ensued. Messrs. Jackson, Peto, Betts and Brassey had fixed their minds upon railway enterprises in Canada, and sent their agents with all kinds of specious proposals for the construction of the work. Howe was not captivated by these, but wished to adhere strictly to the original proposition of having the road between Halifax and Quebec constructed by the three governments, the loan for the necessary money to be guaranteed by the imperial government.

The legislature of Nova Scotia was called together on November 4th, and Howe soon after brought down the railway bills, which pledged Nova Scotia not only to the construction of a piece of road between Halifax and New Brunswick, but for thirty miles beyond the boundary. After a protracted debate his railway measures were carried by large majorities. It became evident, however, soon after, that New Brunswick was being captivated by propositions from English capitalists for the construction of the road to Portland, and Mr. Hincks,

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representing the Canadian government, came down to New Brunswick, and a conference of the three provinces was asked to meet at Fredericton to reconsider the whole question. Mr. Howe declined to join this conference, foreseeing then the influences that were at work. The delegates, however, came to Halifax, and it was easy to see that there was a determined disposition on the part of New Brunswick, aided by the influence of the Canadian government to make the route of the Intercolonial by the valley of the St. John River, rather than by the Major Robinson route. Howe would not join in this movement because he believed it would jeopardize the imperial guarantee. The New Brunswick legislature, however, adopted this proposition, and the next step was to obtain the consent of the imperial government to the changed route. Messrs. Hincks and Chandler went to England. They asked Howe to join them. It was, however, impossible for him to accede to this for the reason that the election of himself and Mr. Fulton had been set aside by a committee of the legislature, and it became necessary for him in mid-winter to contest an election in Cumberland. The campaign proved a severe one, but on March 24th, 1853, Howe and his colleague, Mr. Fulton, were again triumphantly returned for the county of Cumberland. On his return he received complimentary addresses and a large escort of the men of Colchester county, and in Halifax he and his colleague

RETURN TO THE ORIGINAL POLICY

were received and conducted to the House by an enormous crowd of people and a torchlight procession.

Now that the election was safely over, some still thought that Howe should go to England and join Messrs. Hincks and Chandler, but this was not his view. He foresaw difficulty and failure. Lord Derby's government was by this time in power, and it distinctly refused to give the imperial guarantee for a line through the St. John valley. Mr. Hincks also had an unfortunate quarrel with Sir John Packington, but he succeeded in making arrangements for the construction of the Grand Trunk Railway. New Brunswick likewise became involved in contracts with these English railway men, which turned out unfortunately, if not disastrously, and even the terms and conditions upon which the Grand Trunk was constructed were not, viewed by the light of history, altogether satisfactory from a financial point of view.

On August 5th, 1852, Sir Gaspard LeMarchant became governor of Nova Scotia, Sir John Harvey having died the previous spring. Howe now reverted to his original policy of constructing railways for Nova Scotia as a government work, and quite irrespective of the action of any of the other provinces. On August 25th an order-in-council was passed, pledging the administration to proceed with the construction of railways east and west, and authorizing contracts to be entered into, subject

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to the approval of the legislature, for raising the funds and carrying on the works. The publication of this order-in-council brought offers from Messrs. Peto, Brassey & Co., and Sikes, King and Brookfield. It was deemed advisable that the resources of these proposed contractors should be enquired into, and still more necessary that financial arrangements, whereby the money could be secured upon the credit of the province, be made in London before proceeding with any enterprise. To this end, Mr. Howe left for England on October 28th, 1852, and, having completed his arrangements with Messrs. Baring Bros. & Co., for negotiating the provincial bonds to the extent of one million pounds currency (\$4,000,000) he returned in the latter part of December.

During the session of 1853 Howe introduced a measure authorizing the government to construct railways upon the great thoroughfares to the extent of one million pounds. This measure was opposed by Johnston and his supporters in a most determined manner. Canada had entered into a contract with Jackson and his friends to construct their railways, as also had New Brunswick, and it was contended that company railways could be secured with moderate subventions in Nova Scotia at much less cost and by incurring a very much smaller provincial obligation. Howe, against his better judgment, deemed it wise to respect these objections. He withdrew his measure

GOVERNMENT REORGANIZED

and substituted facility bills to give effect to the proposition of the opposition, and announced that he would allow a year to pass and see if favourable contracts could be obtained for the construction of the railways. A year passed by and nothing substantial was accomplished. Consequently, when the House met in 1854, the ground was clear for Howe's original proposition. It was proposed that a line should be built from Halifax to Pictou in the east, and a line to Windsor westerly, to be ultimately continued to Annapolis or Digby. Some prominent men in the legislature who had hitherto been in opposition to the government, including Mr. L. M. Wilkins, announced their conversion to Howe's policy and supported the government. The railway measures were passed and the government was empowered to proceed at once with the construction of the sections east and west, the line being common to both sections as far as Windsor Junction. After these measures had been successfully carried through the House, a complete reorganization of the government took place. Mr. James B. Uniacke, the attorney-general and formal head of the government, being in ill-health and desiring to retire from active public life, accepted the office of commissioner of Crown lands. This left the way clear to Mr. Howe to assume in name as well as in reality, the leadership of the government; but he had other views. The Railway Act had provided that these railways were to be constructed by a board of rail-

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way commissioners, the chairman to be a permanent salaried official with £700 a year, the other members to be merely consultants without salary. Howe chose, for reasons which it is not quite easy to understand, to give up his position in the government and take the subordinate position of chief commissioner of railways. He alleged that his object in leaving the government and taking the post of chief railway commissioner was because of his conviction that railway construction was the most important matter at the time, and demanded his undivided attention. He understood well that many difficulties were to be encountered and many dangers to be faced in the introduction of railways into the province, and he felt the work would be safest in the hands of one who was in thorough sympathy with the undertaking. At Howe's suggestion, Mr. William Young, who had been speaker for a number of years, was called upon to form an administration. He accepted this duty and took the office of attorney-general. Mr. Wilkins became provincial secretary, Mr. Henry solicitor-general, and Mr. Howe ceased to be associated with the executive government of the province. He retained, however, his seat in the legislature, as it was expressly provided in the act that the chairman of the railway board should be eligible to sit in the assembly, and it is needless to remark that although no longer in the executive, he continued to be the leading figure in parliamentary halls.

RAILWAYS AND CONFEDERATION

This sketch embodies the actual conditions of railway construction in Nova Scotia. The railway was pushed forward as rapidly as possible to Truro and to Windsor, and was owned and operated as a government railway. In 1864 provision was made for extending this government road from Truro to Pictou. Consequently, when confederation was formed, while Ontario and Quebec entered the confederation with a large public debt, and without equivalent public works, certainly without any railways to represent this debt, Nova Scotia entered the confederation with its quota of debt, but with railways already profitable to represent it. Indeed, if the railway between Halifax and Pictou on the one side and Halifax and Windsor on the other were operated to-day upon ordinary commercial principles, they would pay fair interest upon the reasonable cost of construction.

CHAPTER VIII

FOREIGN ENLISTMENT AND THE IRISH CATHOLICS

MR. HOWE pursued his duties as chairman of the railway board with assiduity. During the summer of 1854 work was in vigorous operation, and in 1855 a large number of men were employed and construction was going vigorously forward. In 1854 the Crimean war broke out. The results of the early efforts in the war were not favourable to British arms and much humiliation and distress was felt on all sides. It seems inevitable that under the present British army system, the nation must always be unprepared for war on a large scale, and inefficiency in generalship and failure in the commissariat department are always sure to be exposed. The necessity for more men for service in the Crimea became apparent, and in the session of 1854-55 the British government passed an act providing for the foreign enlistment of soldiers for the army. Howe, years before, had pointed out in the clearest possible terms the importance of having colonial regiments formed, trained and made ready for active service, but no heed was paid to his suggestions and warnings by either the colonial or war department of the

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imperial government. In furtherance of the Foreign Enlistment Act, a despatch came from the colonial secretary to the lieutenant-governor of Nova Scotia, Sir Gaspard LeMarchant, asking him to arrange to have a recruiting station opened at Halifax at which men could be enlisted for active service. The government, in response to this, made arrangements accordingly to establish a depot at which officers and men could be enlisted and sent to the Crimea. It may be mentioned at once that the expectation in opening this office in Halifax was that numbers of men would come from the United States and enter the service here. Communications had already been received by the governor and others from friends in the United States intimating that many men were out of employment there, and that a number of British subjects in the United States, as well as Poles, Hungarians, etc., would enter the service with avidity if an opportunity was afforded them.

The governor sent for Howe and consulted him upon the steps which should be taken, of course, in conjunction with his advisers. Howe thought it desirable that some one should go to the United States, examine the ground, and see how far it was practicable to secure recruits for active service, and in this the governor concurred and asked Howe to suggest a suitable person for this mission. He replied that some member of his government would be best suited for this purpose, but the governor,

MISSION IN THE UNITED STATES

and probably his advisers, were strongly of the opinion that Howe would most efficiently discharge such a service. It was not a pleasant duty ; it involved difficulties and possibly dangers, but Howe was never a man to shrink from any service which he thought necessary to uphold the honour of his country and the integrity of the empire.

In consequence Howe started in March and visited Boston, New York, Philadelphia and Washington on this mission. At this period Mr. John F. Crampton was British minister at Washington. Between this minister and the governor of Nova Scotia correspondence had taken place, and this had grown out of correspondence with Earl Clarendon, the secretary of state for foreign affairs, who had drawn the attention of the minister to the Foreign Enlistment Act, and sought light as to how far it was probable that recruits could be obtained in the United States. Mr. Crampton proceeded judiciously at first, but came to grief, as it happened, before the matter was over. There were upon the statute book of the United States stringent acts against foreign enlistment in that country. The British minister consulted an eminent lawyer, in whom he had confidence, as to what could be done legally, and what could not be done under this act, and it seemed to be the judgment that no contract for enlistment could be made with any person within the United States, nor could there be personal solicitation of any citizens of the United States to

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enter into a foreign service. Mr. Crampton no doubt proposed to act strictly within his legal rights and not to exceed them, but this proved to be a somewhat difficult matter, not only in the abstract, but because of the prevalent sympathy of the American government and people during the war. It is useless to enquire why, but the fact remains, that during the Crimean war of 1854-55 an immense majority of the people of the United States sympathized with Russia. At the beginning a policy of strict neutrality was announced by the United States government, and it can be easily inferred that any steps taken in any direction tending to give aid or assistance to the British authorities at this juncture would excite the most acute feeling throughout the United States.

It was the judgment of the British minister, as well as of the governor of Nova Scotia that, while it was illegal to enlist soldiers in the United States, it was not infringing any statute to circulate posters in that country setting forth the fact that a recruiting station had been opened at Halifax and that any men who desired to enlist and might come for that purpose, on arriving there, would not only receive pay according to the army regulations, but would be paid the full amount of their travelling expenses from their residence to Halifax. A proclamation to that effect was issued by the provincial government of Nova Scotia, under the hand of the lieutenant-governor, and signed by Mr. L. M. Wilkins as pro-

DIFFICULTIES OF THE MISSION

vincial secretary. An address, written by Howe, embodying this proclamation and pointing out the opportunity that it afforded, was issued and widely circulated in the United States, chiefly through the agency of Howe, who was acting with those upon whose friendly confidence he thought he could rely, especially the British consuls at New York, Boston, etc.

At an early stage of Howe's mission in the United States he began to meet with difficulties. It was his misfortune to be approached by men who made great professions of devotion to the empire, and of their ability to obtain recruits, provided that some means were placed at their disposal, and Howe, in as judicious a manner as possible, placed in the hands of one of these officious men the sum of \$300. Howe's secretary also held communication with several persons, perhaps, in some instances with a little more zeal than discretion. In consequence, the fact that steps were being taken to secure recruits for the British army in the United States became gradually a matter of notoriety. It not only got into the newspapers but the authorities took cognizance of it, and warrants were issued for the arrest of sundry persons, including Howe and his secretary. The latter was arrested and tried before Judge Kane, and acquitted. No bill was found against Howe. Hertz, who had obtained the money from Howe and some other money from his friends on the strength of the

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business he had undertaken, turned out to be a renegade, and after being tried for violating the laws of the United States, he made a confession implicating various persons, including the British consuls and the British minister himself.

At a somewhat critical period of Howe's efforts, the finishing stroke in the way of opposition came from Halifax. A man named William Condon, who held office as a gauger in the customs department, was president of the Charitable Irish Society. It is, perhaps, fitting to state here that during the progress of the war in the Crimea there were unmistakable tokens in Halifax of sympathy with the Russians on the part of a considerable portion of the Irish Catholic population. Indeed, it is asserted upon fairly good authority that meetings were held in which Great Britain and her actions in respect to the war were denounced, and that a league was formed to give effect to these hostile views. Condon was suspected of having more or less sympathy and coöperation with this movement. Howe had some success in obtaining recruits, and a number of men came to Halifax for this purpose, among others a body of Irish Catholics. Whether these men were influenced after their arrival in Halifax or not, the fact remains that it was alleged on their behalf that they had been induced to come to Nova Scotia upon the pledge of work upon the railway. As no work was provided for them, they were in a condition of destitution, and Condon

CONDON'S ANNOUNCEMENT

sent to an Irish newspaper published in New York, where Howe then was, a telegram couched in the following terms: "Sixty Irishmen entrapped in Boston as railway labourers sent here for the foreign legions. Publish and circulate this.—Wm. Condon, Pres. C.I.S." The effect of the publication of this was to compel Howe to leave immediately, which he did, and returned to Halifax after two anxious months in the United States, where his efforts had secured about nine hundred men in spite of all the difficulties encountered. It can be easily imagined that he was not in a very pleasant humour towards the Irish population on his return to the province.

In 1855 the term of the legislature expired, and it became necessary to have a general election. Howe had not returned from his mission in the United States when the campaign opened throughout the province. It was not believed that his seat in Cumberland was in any danger, and therefore he did not hasten his return with any sense that his presence was necessary in Cumberland county. But it happened that in this election the candidate against him was a certain local doctor named Charles Tupper, who thus for the first time appears upon the political scene in Nova Scotia, in which he afterwards played such a conspicuous part, and for many years later a still more commanding part in the larger arena of federal affairs. Local tradition thus records the circumstances under which Mr. Howe and Dr. Tupper first met in the political

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arena. It has been already mentioned that Howe was called upon to contest a bye-election in Cumberland in 1852, and it is related that in one of his public gatherings in that county, after he had finished his address, Dr. Tupper, short of stature and then of slender form, came forward and demanded the right to reply. This was received with laughter and jeers by Howe's friends. Mr. Howe was, as always, disposed to be generous, so he arose and said: "Let us hear the little doctor by all means. I would not be any more affected by anything he might say than by the mewing of yonder kitten," pointing to a cat which was perched upon a fence near by. Having thus secured the right to speak, Dr. Tupper came forward and plunged at once into a vigorous onslaught in the same trenchant style which characterized him until the latest period of his political career. A gentleman present at the meeting, who was then in political sympathy with Howe, was so far affected by Tupper's vigorous criticisms that he made the remark that "it was possible that Howe would find this little doctor a cat that would scratch his eyes out." The prediction was soon enough fulfilled. At the general election of 1855, Dr. Tupper received the Conservative nomination as a candidate for the county of Cumberland, and conducted his campaign with such force that when the votes were counted it was found that Tupper and his Conservative colleagues were elected, and Howe and his col-



First meeting of Joseph Howe and
Charles Tupper

From the painting by
C. W. Jefferys



HOWE'S FIRST DEFEAT

leagues had been defeated. This was Howe's first defeat in a political election. Mr. Young's government had been handsomely sustained and had a large majority in the new House, and Mr. Howe would retain his office as chairman of the railway board. His defeat, therefore, did not affect in any way his pecuniary prospects, but it was an unexpected and unpleasant incident. He accepted his failure, however, good-naturedly, and attributed it to the fact that he was too late in getting into the county owing to his absence abroad.

During the session of 1856 Howe was not in his accustomed place in the House of Assembly of Nova Scotia, and it is needless to say that his absence created a great gap. No figure, indeed, could be more missed by the occupants of the galleries. For twenty years he had been the most conspicuous figure in the legislative halls, bringing every variety of genius to bear upon the stirring questions discussed, and it did seem a strange incident to find public discussions going forward in the assembly with no "Joe" Howe to enliven them. In 1856, after the session, Mr. L. M. Wilkins was appointed a judge of the supreme court. His place as provincial secretary was taken by Mr. W. A. Henry, at that time solicitor-general, and Mr. A. G. Archibald became solicitor-general and a member of the executive. Mr. Wilkins's seat in Hants county thereby became vacant, and Howe was presented with a requisition signed by leading men of both

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political parties asking him to become the representative of that county in the House of Assembly. He accepted, and was returned by acclamation. Once again, therefore, Mr. Howe was in his place as a member of the assembly.

But striking events were to occur before he took his seat in the session of 1857. During the summer of 1856 riots had occurred on the railway. It appears that a body of Irish Catholics had made a savage attack upon the shanty of one Gourley, situated on the line of railway under construction. It is not necessary to enter into details of the outrage, but unquestionably it was a savage and brutal attack, and a reign of terror was inaugurated. The reason alleged for this attack upon Gourley's shanty was that the owner had made some observations reflecting upon certain tenets and practices of the Roman Catholic Church. The outbreak was not entirely confined to the attack upon Gourley's shanty, but other riots and terrorizing acts were alleged to have been perpetrated by the Irish Catholics employed on the work, and they had given out threats that no Protestant should be allowed employment. Howe, as chairman of the railway board, had proceeded to make personal investigations and take proceedings to bring the rioters to justice, and to secure peace and order along the line, and in pursuit of this he had encountered much that was irritating and calculated to excite deep indignation.

It happened that on the afternoon of his return

DISMISSAL OF THE BRITISH MINISTER

from this tour a public meeting was held in Halifax for the purpose of considering the presentation of an address to Mr. John F. Crampton, the British minister at Washington, who had been summarily dismissed from that post by the president of the United States, solely and entirely on account of his connection with the foreign enlistment business with which Mr. Howe had been actively associated.¹ The people of Nova Scotia at large were in

¹ Early in 1856 a long discussion took place in the British House of Commons on the conduct of Mr. Crampton in respect of foreign enlistment, in the course of which Mr. Gladstone made a speech attacking Crampton, and incidentally reflecting on Mr. Howe. The latter at once addressed an open letter to Mr. Gladstone, in which he resented his imputations and ably defended himself. Only an extract or two can be quoted:—"Presuming on the advantage which fine talents and elevated station confer, you ventured to take unwarrantable liberties with a stranger's name and reputation; to speak in his absence of a British American gentleman, whose only offence was obedience to his sovereign and zeal for the honour of his country, in terms of sarcasm and reproach, which, I shall presently show, were undeserved from any Englishman, and least of all from the honourable member for Oxford. . . . The responsibility for what I did, whatever it was, has been assumed by the Queen's government and ministers, and after full discussion of the subject in all its bearings, has been sustained by parliament. By what rule is it, therefore, that Mr. Gladstone, a single member of the cabinet under whose authority and instructions I was employed, ventures to arraign my conduct, or shake himself clear of the responsibility of my proceedings? If 'this Howe' has done wrong, 'that Gladstone,' no less than Mr. Sydney Herbert, his friend and colleague, whose despatch was my sole warrant and authority, must share the blame."

Mr. Gladstone, after reading Mr. Howe's letter, sent him a note, in which he very generously withdrew his reflections, and made the *amende honorable*. Mr. Howe never received any remuneration from the Imperial government for his disagreeable and dangerous services in connection with Foreign Enlistment.

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sympathy with Mr. Crampton and believed that he had been unfairly and harshly dealt with by the American authorities. Knowing that Mr. Crampton was to pass through Halifax on his way to England, a public meeting of the citizens had been called to consider the propriety of presenting an address to him. No political hue was given to this meeting. Leading men of both political parties attended and expressed their opinion freely that Mr. Crampton had been made a victim of American sympathy with Russia. The war by this time was over and peace had been established. The meeting proceeded in its usual way. A resolution was moved by Mr. Henry Pryor that a complimentary address be presented to Mr. Crampton expressing the cordial sympathy of Nova Scotians. This was seconded by Mr. Peter Lynch, Q.C.

At this point a note of opposition was heard, and it came from a representative of the Irish Catholics present at the meeting. Howe had taken no active part in the meeting up to this point, but when he observed this fresh outbreak of anti-British feeling among the Irish population, he felt that the time had arrived when some one should take the responsibility of speaking out in plain and unmistakable terms. This action on Howe's part was not that of a judicious politician, or a successful opportunist; indeed a thorough politician would have done nothing of the kind, but in Howe's action on that day and for the months that succeeded it, one

BREACH WITH THE IRISH CATHOLICS

may read clearly the type and character of his manhood. He was fresh from the scene of Irish Catholic rioting and terrorism on the railway. He still remembered the outbursts of hostility to Great Britain by a portion of the Irish population in Halifax, and he had not ceased to smart under what he conceived to be the disloyal and hostile treatment he had received from the hands of Mr. Condon while endeavouring to advance the interests of the empire in a foreign country. His just indignation was thoroughly aroused, and with the courage always characteristic of his every movement, he threw discretion to the winds and arose in this meeting and delivered a speech in which in clean cut terms he denounced the insidious disloyalty of a portion of the Irish population and gave it to be distinctly understood that, at whatever cost or sacrifice, he intended that the loyal British people of this province should join issue squarely with those who were the undisguised enemies of the empire. He went further and stated that the Protestant sentiment of this country should be tested as to whether a band of Irish ruffians should undertake to terrorize Protestant citizens in the discharge of their duties on the public works of this country.

This action on the part of Mr. Howe, as will be easily understood, created a deep and bitter feeling in the community. Two-fifths of the population of the city of Halifax were Roman Catholics, and an overwhelming portion of the Catholic population

was Irish, and to add to the piquancy of the incident it must be borne in mind that a substantial majority of this Irish Catholic population had been devoted to Howe in his great agitation for popular government, and had supported him with zeal and ardour in all his election contests in the city and county of Halifax. The immediate effect of Howe's speech was a violent outburst of feeling on the part of the Irish Catholic population, voiced through their organ, *The Catholic*. An opportunity of retreat was, perhaps, presented to him. He had made his speech from sudden impulse, and therefore reflection might have suggested to him the propriety of withdrawing many of his vigorous and offensive words and securing peace. But no such course was characteristic of the man. His speech was succeeded by letter after letter in the *Morning Chronicle*, in which in terms still more vigorous he declared that he would never cease until it became distinctly and thoroughly understood in Nova Scotia who was to rule, the loyal English population or a band of disloyal Irish Catholics, who undertook to mob people for the expression of their religious convictions.

What course would have been adopted by the Conservative party at this moment if Johnston only had had control of the political movements of his party must be a matter of conjecture. Undoubtedly many leading Conservatives in Halifax were in secret sympathy with Howe in his crusade, and Johnston himself was scarcely the type of man that

TUPPER SEIZES HIS OPPORTUNITY

would have cared to have attained power by a league between his party and the Irish Catholic population. But although in the legislature only one session, Charles Tupper had become the leading and dominant spirit of the opposition. Upon the instant that this quarrel between Howe and the Irish Catholic population had arisen, Tupper saw the chance of utilizing the incident for defeating the government and coming into power. He accordingly took prompt advantage of the occasion persistently and relentlessly to encourage the controversy and help to widen the breach. As the professed champion of civil and religious liberty, he became the vindicator of the rights of the Irish Catholic population. The session of 1857 was approaching, and the public began to speculate with profound interest as to what would be the outcome of this quarrel in respect to the government of the day.

As Howe was not then a member of the government, and as William Young, the premier, had said and done nothing in respect to the Irish Catholic population, and no member of his government was in the slightest degree directly concerned in Howe's quarrel, it may be reasonably asked why this *émeute* should in any way affect the fortunes of the government. The answer is very simple. Howe at that moment occupied such a commanding place in the public eye and was regarded as such a supreme factor in the counsels of his party that it was impossible to dis-associate his

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political party from any public action of his. Howe held office under the government as chief commissioner of railways. The *Morning Chronicle*, which was his organ in this controversy, as well as the leading organ of the Liberal party in the province, was owned and controlled by Mr. William Annand, a member of the legislature and holding the office of queen's printer under the government. Dr. Tupper was very particular to have the question constantly protruded: "If you are not in sympathy with Mr. Howe and Mr. Annand in their crusade against our Roman Catholic citizens, why do you retain them in office?" Prior to the meeting of the legislature, Mr. William Condon, who has been mentioned as a foremost factor in these political religious disturbances, had been dismissed from his office as gauger in the customs department, and every one felt that it was almost impossible for the government to have pursued any other course, considering the fact that he was day after day writing offensively in respect to Mr. Howe, and on lines calculated to damage the political party with which Howe was associated.

When the House met the crisis came. Some time previously Mr. Michael Tobin had resigned his seat in the government. He was an Irish Catholic, and related by marriage to Mr. William Young. Just as the House was meeting another Catholic member of the government resigned, as did also Mr. W. A. Henry, who, although not a

HOSTILE DEMONSTRATIONS

Catholic himself, represented the county of Sydney (now Antigonish), the population of which was seven-eighths Roman Catholic. An amendment to the address was moved by Mr. Johnston in terms which made it practically a vote of want of confidence, and this was carried on a division of twenty-eight to twenty-two, every Catholic supporter of the government but one voting with Mr. Johnston. In the debates which were continued for a number of days in the House of Assembly, Howe became the central figure of the discussion, and never in his whole political career did he exhibit greater heroism and greater disregard for consequences than in this struggle. Usually it had been his fortune to have an enthusiastic crowd of friends in the gallery, who applauded all his efforts in the direction of popular government. During this debate the preponderating element in the galleries was drawn from the Irish Catholic population, and when Howe arose to speak every effort was made to disconcert him by hostile demonstrations, and the speaker and other members of the House were compelled to threaten constantly to clear the galleries. But Howe maintained his position with rare good nature, and uttered his views with a boldness altogether foreign to a man in political life. His own position was at stake, as well as that of the members of the government. He was then, as at all times, poor and without means of support for his family outside of his employment as a public man, but he

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declared in the plainest terms that if the government were defeated on the issue then before the House he would not hold office another hour. An extract from one of his speeches in this session will serve to indicate the Spartan manner in which he faced the situation:—

“ Let me say, sir, in the face of this legislature—in the presence of those who have known me both in public and private life for upwards of thirty years, that no inducement, however strong, no lure, however tempting, could provoke me to persecute any man or body of men on account of religion—and although, for purposes which it is not difficult to understand, some parties are attempting to propagate this trash now—the time will come when the principles which have guided my public career for thirty years, will be recognized and discerned by my actions to-day. I claim equal justice for myself, I claim equal justice for every Catholic in the country. Turn to your journals—to your reports—to the pages of the public prints, and you will everywhere see my footprints. It may be that the pressure brought to bear on some of my friends may induce them to desert their ancient standard, believing that something is to be gained or achieved by going into opposition. A word or two to these gentlemen, and but a word—I do not come here to explain or apologize. What is writ is writ and what is said is said.

“ Throughout a long political life—throughout a

HOWE IN OPPOSITION

long parliamentary career, I have been true to the friends with whom I started—to the principles which I entertained. The time may come, I say, when some of these friends may desert me and their party—some may do it willingly, but others will do it most reluctantly. When the new administration is formed, Mr. Howe's office will be at its disposal. He will take his seat on these benches an independent member—will say that which he believes to be true, and do that which he believes to be right. And, sir, all the combinations which can be formed will never coerce or intimidate me, confident that the heart and soul of Nova Scotia is with me in this struggle."

Mr. Johnston, it is but fair to mention, in opening the attack upon the government, scarcely referred to the racial and religious phase of the discussion. He based his demand for the downfall of the government upon its incapacity and total failure to conduct the public affairs with efficiency. It comported best with his policy that he should get all the Irish Catholic votes on an issue other than that of race and religion. It was entirely needless that he should plunge into a discussion of the racial question when assured that the votes would come to him precisely as well on the public issues as on the real issue.

Johnston succeeded in forming his government, he becoming leader and attorney-general with Tupper as provincial secretary. Howe's next business, therefore, was to secure the downfall of this administration,

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and for the next two years he devoted himself without respite to the task of inflaming the people and keeping the issue which he had raised well to the front. The general elections came on in 1859. Howe contested Hants county, and was triumphantly returned, as also a small majority of Liberals, enough to secure a majority of four or five on division. By this time the Catholic question had subsided to a considerable extent, and one of the principal matters to be determined at this election, as there were no grave issues of public policy at stake, was—which of two veteran lawyers was to receive the appointment of chief justice of Nova Scotia. Sir Brenton Halliburton, who had been chief justice for many years, was long past eighty, and infirm, and it was quite well known that he could not continue on the bench very much longer. If the government were sustained, the office would go to J. W. Johnston, who thoroughly deserved it for his long and brilliant record in the political field as well as his splendid career in the forensic field. If, however, the government were defeated, this great prize would fall to William Young.

Although it was manifest that a majority of opposition members had been returned, Johnston did not resign, but continued in office and met the House. During the session of 1860, Dr. Tupper made a brave and splendid fight for existence. It proved, hopeless, however, and a vote of want of confidence was passed, and Johnston retired. Mr. Young was

PREMIER OF THE PROVINCE

called upon to form an administration. For some reason, probably an indisposition to seek re-election in Cumberland, he took no department, but simply the position of president of the council. Howe was provincial secretary, Mr. A. G. Archibald attorney-general, and Mr. Annand financial secretary. In a few months Young accepted the office of chief justice, at last vacant, and Howe became for the first time premier of the province.

Howe and his government continued in office until the general election of 1863, but little pertains to this administration which is of historical importance to Nova Scotia, or adds anything to Howe's reputation. As a matter of fact, Howe had long since outgrown his provincial ambitions, and yearned for wider horizons and a larger sphere of action. Devoted as he was to the empire, and conscious of having rendered great service, he cherished the dream that he would sooner or later receive tokens of appreciation in the way of imperial employment. The greatest of men have their weaknesses, and Howe, with all his intellectual power, was not devoid of personal vanity nor free from the corroding influence of a towering ambition. In 1854, when only fifty years of age, he talked about bidding farewell to political life, and it was probably with greatly diminished enthusiasm that he battled for two years in opposition for the purpose of restoring his party to power, and it was also probably with scant joy that he resumed his place

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in the provincial administration. In 1860 his colleagues appear to have become aware of Howe's great yearning for an imperial post, as the records of the executive council board witness. Before Mr. Young retired to the bench, a minute of council was passed, setting forth Mr. Howe's strong claims to imperial recognition, which was, no doubt, forwarded through the lieutenant-governor to the colonial secretary.

No imperial position, however, immediately came. The history of imperial policy in relation to the colonies indicates what would seem to an ordinary person a short-sighted policy in respect of making use of the talents of distinguished men in the out-lying portions of the empire. Knighthoods are bestowed freely, sometimes a baronetcy, but positions in the imperial service rarely. Patronage probably plays as large a part in the imperial as in colonial governments, and ministers have their hands full in providing posts and employment for friends of the party within the kingdom.

Early in 1863 an opening came. Mr. Perley of St. John, who had been appointed fishery commissioner on behalf of Great Britain for carrying out the provisions of the Reciprocity Treaty of 1854, died while in Newfoundland on fishery business, and Howe was selected as his successor. The appointment was made early in the year with the understanding that the active duties should not be taken up by Howe until somewhat later in the

THE RETRENCHMENT SCHEME

season. This was necessary inasmuch as Howe was still leader of the government and a general election was at hand, and the fortunes of the party seemed anything but bright at that moment. As has already been remarked, a great genius is not always a successful party leader, and Howe encountered many difficulties in the three years during which he had control of provincial affairs in Nova Scotia. The government majority was extremely narrow. His lieutenants in the House did not at that stage render very effective support in public debate. Johnston was, of course, the leader of the opposition, but the moving, animating and inspiring figure was Dr. Tupper, who gave no rest day or night to a government manifestly sinking in popular favour. During the session previous to the election of 1863, Dr. Tupper brought forward a famous "Retrenchment Scheme," whereby he proposed, in order to have more money at the disposal of the government for public services, to cut down the salary of nearly every official in the government employ, thereby saving sixty or seventy thousand dollars a year. It was a mere political device, but it served its purpose with the electorate. The elections took place in May, 1863, and out of a House of fifty-five, only thirteen Liberals were elected. Howe himself was among the slain. The situation appearing quite satisfactory in the county of Hants, Howe was induced to become a candidate in the county of Lunenburg. Tupper,

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who had the good fortune to be elected by acclamation in the county of Cumberland, started straight for Lunenburg and pursued Howe steadily for a week, with the result that Howe and his colleagues were defeated by large majorities. A new government was formed, Johnston becoming leader with the department of attorney-general, and Tupper resuming his old department of provincial secretary. During the first session of the new legislature, 1864, an act was passed creating a judge in equity for the express purpose of retiring Mr. Johnston, thus clearing the way for Tupper, who assumed the leadership. Events of the most far-reaching character followed the formation of this administration, but these must be dealt with in another chapter.

CHAPTER IX

HOWE AND CONFEDERATION

WHEN Dr. Tupper was in England in 1866 endeavouring, in common with other Canadian statesmen, to secure the passage of the British North America Act, and Howe, representing the anti-confederate party of Nova Scotia, was seeking to prevent its passage, the former wrote and published a pamphlet, filled with quotations from Howe's former speeches and utterances favourable to a union of the British North American colonies. Indeed, so strong were the passages quoted and so effectively were they marshalled by Tupper, that the impression has prevailed everywhere that the confederation of British North America had been Howe's cherished dream. This is not strictly true. That a man with Howe's breadth of view should fail to recognize the possibility and importance of the organization of all British North America into a consolidated dominion, possessing the germs of nationality, is opposed to any conception of his character. Every question which pertained to the development of British America had received his profound consideration, and upon all questions of this character he had made striking and brilliant utterances in his speeches and writings. Neverthe-

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less, it cannot be fairly said that Howe had made himself a conspicuous champion of confederation. If we are to give effect to his utterances in respect to the destinies of British North America, it will be plainly seen that his favourite scheme, from early days, had been a consolidation of the empire, a solution of the problem of the North American colonies by an organized empire in which all the colonies would be represented, and all accept common responsibilities and duties in respect to maintaining imperial integrity. Of that proposition Howe may be said to have been the most conspicuous author, and on the question of imperial federation, no note has been uttered within the last decade by any statesman, imperial or colonial, more advanced or matured than Howe's utterances of fifty years ago. He had in general terms repeatedly and eloquently advocated a union of the British North American colonies, and none were able to perceive with greater breadth of view the importance of such a union and its necessity if a consolidated English-speaking nation was to be developed in North America. In some of his speeches the difficulties in the way of this union are frankly pointed out, and the objections on the part of the Maritime Provinces to linking their destinies completely with Canada had been frankly avowed. When Johnston in 1854 moved a resolution and made an eloquent speech in favour of a union of the British North American provinces, Howe had spoken

SIR CHARLES TUPPER

in anything but enthusiastic terms in support of Johnston's resolution. On the contrary he pitted against this proposition a wider and more dazzling prospect of imperial union. It is just to affirm that, while Howe recognized the value and importance of Canadian confederation, he always cherished a lurking fear that the Maritime Provinces would be completely overshadowed and absorbed by the Upper Provinces in such a union.

Johnston retired to the bench in 1864, and Tupper became actually, as from the beginning he had been virtually, premier. Tupper was a man of great ability and restless ambition. He naturally sought, the moment he found himself safely in the saddle, to inaugurate some movement which would extend beyond the narrow bounds of the province. He consequently introduced a scheme of Maritime union in the session of 1864, and sought the co-operation of the governments of New Brunswick and Prince Edward Island in furtherance of this project. Both these governments responded favourably to his application, and it was arranged that a convention should assemble early in September at Charlottetown. Nova Scotia was to send five delegates, and, naturally, it was altogether desirable that both of the great political parties should be represented. At this moment Howe was not in the legislature, and was performing the duties of British commissioner under the provisions of the Reciprocity Treaty. The political party with which he was

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associated was a mere remnant in the legislature, Mr. A. G. Archibald leading the forlorn hope of an opposition.

At the time this convention at Charlottetown was to be held, no thought of the larger union was present as a definite proposition in the minds of any of the provincial governments. Though Howe was not in public life, few would question that he, above all others, should be asked to join in such a large measure as the union of the Maritime Provinces. Sir Charles Tupper has always asserted that he invited Mr. Howe to become a delegate from Nova Scotia to this convention. But the absence of any official communication to that effect in the provincial secretary's office occasioned doubt in many minds as to the accuracy of this. The matter, however, has been placed beyond doubt, for the original correspondence is in the possession of Mr. Sydenham Howe, Joseph Howe's only surviving son, and is as follows:—

“Halifax, August 16th, 1864. My Dear Sir:—I have the pleasure of informing you that your name has been this morning submitted by the executive council to His Excellency the lieutenant-governor as one of the delegates to the conference upon the union of the Maritime Provinces, and I am instructed by His Excellency to enquire if you will accept that office and attend the meeting of delegates at Charlottetown on September 1st. I remain, Yours faithfully, (Sgd.) C. TUPPER.”

CONFEDERATION CONFERENCE

“ H. M. S. *Lily*, August 16th, 1864. My Dear Sir:—I am sorry for many reasons to be compelled to decline participation in the conference at Charlottetown. The season is so far advanced that I find my summer’s work would be so seriously deranged by the visit to Prince Edward Island that without permission from the foreign office, I would scarcely be justified in consulting my own feelings at the expense of the public service. I shall be home in October, and will be very happy to coöperate in carrying out any measure upon which the conference shall agree. Very truly yours, (Sgd.) JOSEPH HOWE.”

A seat on the delegation was offered, of course, to Mr. Archibald, the leader of the opposition, and the other seat, it appears from the official records, was offered to Mr. John Locke, M.P.P. for Shelburne county, a leading representative of the Liberal party in the House. Mr. Locke declined to serve, and Mr. Archibald was asked by Sir Charles Tupper to name the gentleman he would prefer to be associated with him on the delegation, and he named Mr. Jonathan McCully, who was the leader at that time of the Liberal party in the legislative council. Dr. Tupper, Mr. W. A. Henry and Mr. R. B. Dickie were the delegates chosen from the government side of the House.

It is not necessary to dwell in detail upon the incidents attending confederation. The Maritime delegates met at Charlottetown. Difficulties im-

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mediately presented themselves in the way of a Maritime union, which bade fair to be insuperable, and while these were being grappled with, Sir John Macdonald and his associates from Canada appeared suddenly upon the scene and proposed a union of all the provinces, and induced the delegates of the three provinces to meet Canadian delegates at a conference at Quebec to consider a wider scheme of confederation, which should embrace all British North America. Representatives of all the provinces, including Newfoundland, agreed to this, and the famous Quebec conference was held, at which a scheme of confederation, quite ample in its details, and not widely differing in principle from the scheme ultimately adopted in 1867, was framed. It is, indeed, an unfortunate incident that in the consideration of such a great question as engaged the attention of the statesmen of Canada at Quebec, a man of the genius, experience and national reputation of Joseph Howe should have been absent. Sir Charles Tupper declares that, having invited him to take part in the Charlottetown convention, and he having declined, and Messrs. Archibald and McCully having accepted and taken part in the deliberations at Charlottetown, and having been present when the invitation was extended by the Canadian delegates to go to Quebec, it was impossible for him to ask either of these gentlemen to retire in order that Howe might have a place. It may also be added that Mr. Sydenham Howe declares very

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distinctly that, even if his father had been invited to attend the Quebec conference, he would have been unable to serve owing to the fact that at that particular season he was actively engaged in his official duties and was cruising in H. M. S. *Lily* round the coast. At all events, a measure of confederation was drawn up in Quebec in October, 1864, and assented to by the representatives of all the provinces, and Joseph Howe had no part in the matter.

How this scheme was presently submitted to the public; how it was adopted, after serious discussion, by the Canadian parliament in 1865; how it was rejected by New Brunswick very soon after its publication and Mr. Tilley swept from office, and an anti-confederate government, under Mr. Albert J. Smith, installed in power, which necessarily postponed the whole question; how it was rejected by Prince Edward Island, and how all the ingenuity and skill of Dr. Tupper was essential to prevent a resolution hostile to it being passed in the Nova Scotia legislature in 1865; and how ultimately New Brunswick reversed its judgment and adopted the scheme in 1866; and how the legislature of Nova Scotia, on the suggestion of Mr. William Miller, who had been one of the pronounced opponents of confederation, adopted a resolution, by a majority of thirty-one to nineteen, authorizing the delegates to frame a scheme in London, are incidents well known and not necessary at this stage to be elaborated. It is enough to say that very early after the publication

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of this scheme, it became manifest that the people of Nova Scotia were unfavourably disposed to the union, as laid down in the Quebec resolutions, and were prepared to offer bitter and uncompromising opposition to the confederation scheme. Public meetings were called in Halifax, at which eloquent and aggressive speeches were made against the scheme. These meetings were extended throughout the province, and unusual political excitement was generated. Party lines for the first time in Nova Scotia began to be obliterated. The most determined opponents to confederation were lifelong supporters of Mr. Johnston, and up to that moment, had been followers of Dr. Tupper. Messrs. A. G. Jones, W. B. Vail and Martin I. Wilkins may be cited as conspicuous examples of Conservative opposition to the union. On the other hand, Messrs. Archibald and McCully, the actual leaders of the Liberal party in the legislature, were supporting confederation. While this excitement was developing, every person in Nova Scotia was profoundly anxious to know what course Mr. Howe would take in this matter, because every one recognized that he was still the greatest man and the most potent factor in the public life of the country.

Notice had been given by the American government of the termination of the Reciprocity Treaty, and Howe recognized, of course, that with its termination his position as an imperial officer ceased.

HOWE'S DILEMMA

This meant cessation of employment, which was not an altogether unimportant consideration to a man who had not accumulated a dollar.

Howe had ample time to weigh the situation carefully and to determine his action after balancing every consideration. On the one hand was the fact that he had often expressed himself concerning the union of British North America as one of the great and imperative questions of the future, and that now a more definite prospect loomed up of securing this great object than had ever previously existed. On the other hand the situation presented a great and terrible temptation, almost beyond the power of mortal man to resist. Howe saw a recent and not much beloved rival at the head of affairs in Nova Scotia, suddenly become a conspicuous figure in the moulding of a great measure of national and far-reaching import. His own political party had been annihilated in 1863. There were manifest tokens of popular hostility to confederation in Nova Scotia. What if these prejudices could be utilized for the destruction of Tupper and his high-flown scheme with which his name had become so conspicuously associated? When this had been accomplished, Mr. Howe might reflect it would be easy for himself to reopen the matter and secure a measure of confederation which would more amply satisfy the interests of the Maritime Provinces. The temptation thus presented to a man of Howe's active temperament, who was soon to be without employ-

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ment, has induced many persons to believe that he was influenced by personal considerations in the action which he finally took in reference to confederation. That these considerations may have had some influence upon his judgment, it is indeed, impossible to deny, but a close examination into his every act and motive at the time entirely rebuts the supposition that personal considerations were in any way paramount in influencing his action. As for the matter of livelihood, Mr. Howe, foreseeing the termination of his imperial office, had made ample provision for securing a liberal competence. His literary abilities had so far impressed the proprietor of the New York *Albion* as to induce him to offer Howe a handsome salary to undertake the editorial management of that paper, and a written contract had been entered into, the terms of which were everything that Howe could desire.

The following is the contract actually signed between Mr. Howe and Mr. Morrell :—

“New York, March 22nd, 1866. Memo. of Agreement:—Referring to the correspondence hereunto annexed, it is agreed:—That Joseph Howe shall as early as possible after the 31st inst., assume the editorial management of the New York *Albion*, and that William H. Morrell shall pay him quarterly at the rate of three thousand five hundred dollars per annum. It being understood that should anything occur to make it Mr. Howe’s interest to withdraw from the engagement, he shall forfeit one quarter’s

MORRELL'S PROPOSAL

salary to Mr. Morrell and shall give him at least one month's notice. JOSEPH HOWE, W. H. MORRELL."

Writing to his wife at this time, from New York, Howe gives some interesting particulars which indicate pretty clearly the trend of his mind at this moment. No reference is made whatever to confederation, nor any hint given of re-entering politics:—

"When I left home, as you know, though my prospects of further official employment were good, still there was just enough of doubt and uncertainty about it to make us both anxious as to the future. Assuming the desire and the intention of my friends over sea to be all that we could wish, still there might be delay, and a year or two wasted in waiting, without income, would embarrass and vex us a good deal. But Providence seems to provide for us often in modes very unexpected and often just at the right time. I had hardly arrived here Saturday morning when an application was made to me by Mr. William Morrell, who has purchased the New York *Albion*, to write for, or what he would much prefer, to edit the paper after March 31st next, when the transfer takes place. The offer was made in the most flattering terms, it being assumed that the views and policy of the speech at Detroit would guide my pen in the conduct of the paper. We dined together and discussed the whole subject with the utmost frankness nearly all day. . . After a good deal of friendly chat, I explained my

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position and expectations and gave him to understand that if official employment offered I could only consent to write for the paper, living where I liked and receiving a certain annual sum. This I thought I could do while I remained on the continent. If free of other engagements I might be induced to edit the paper if he could make it worth my while. He finally said he would make me offers, either of which I could accept any time within two months, but he would prefer that I should assume control of the paper. He would give me \$1,500 for editorial or other contributions, leaving me free to attend to other business and live where I liked, or he would give me \$3,500 to edit the *Albion*. If the paper prospered, as he thought it would, he would add \$500 to either offer I accepted, at the close of the year. All this was very handsome and fair, and astonished me very much, as it will you. Here, at all events, are bread and cheese, a living for my family, and an honourable and influential position independent of local politics or of friends over the sea. If nothing better turns up we are thus provided for and have two months to look round us, if anything better is on the cards. If they give me anything I can make my \$1,500 by light labour and get my salary besides. If they give me nothing we can live here in our usual quiet way, and put by \$1,000 every year to pay our debts, leaving our assets in Nova Scotia undiminished. For this new and unexpected mercy I fervently thank God. It

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makes me feel more independent of all chances and casualties than I have done for many a day."

Howe was undoubtedly at this time not especially disposed to resume public life in Nova Scotia. Always desirous of imperial appointment, and realizing by this time how little trust could be reposed by a colonial statesman upon British magnanimity in this regard, Howe would unquestionably seek in preference a position in the literary world. As has been said, he had distinct tastes in the direction of literature and wielded a most facile and graceful pen. A situation, therefore, on a leading paper of literary scope in the city of New York would be congenial employment, and would give him at the same time an opportunity of collecting his various manuscripts and of producing something in literature which would be worthy of his genius. Those most closely associated with Howe at this critical period of his life declare that he was extremely reluctant to take any step which would lead to his re-entry into the political field, but he was unquestionably honestly and frankly opposed to the Quebec scheme. It must be mentioned in this connection that from various points of view the Quebec scheme was not altogether just to Nova Scotia, financially or otherwise, and this of itself constituted a large factor in justification of a policy of hostility. That Howe, in finally resolving to throw the weight of his power against confederation, intended thereby to destroy forever the principle

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of confederation cannot for a single moment be believed. That he thought himself fully justified in destroying Tupper's scheme of confederation on the ground that it was unjust to Nova Scotia and should not be adopted until the people of Nova Scotia had pronounced judgment upon it is the fact, and whatever consequences to Howe's name and reputation in history are involved by that fact must be accepted and endured. At the first great public meeting held at Temperance Hall in Halifax to denounce the scheme, Howe sat upon the platform but said nothing. Mr. McCully had been editor of Annand's *Morning Chronicle* for several years, and had come back from Quebec a firm advocate of confederation, and wrote his editorials accordingly. Suddenly there came a time when, like a thunder bolt from a clear sky, appeared the first of a series of articles which extended for several days, entitled "The Botheration Scheme, No. 1." Any person in Nova Scotia who had been familiar with Joseph Howe and his unique and unmistakable style could have no doubt that these thunder bolts proceeded from the great old tribune himself.

The political situation in Nova Scotia at this time was mixed. Dr. Tupper and his government were overwhelmingly strong in the legislature; Archibald, the leader of the opposition, and Hiram Blanchard, one of his chief lieutenants, were cordially supporting confederation. McCully, the leader of the opposition in the legislative council, was

A MIXED SITUATION

also coöperating with Tupper in furthering confederation. It was clear, however, that the confederation question must quickly overshadow all local issues, and as a consequence, we find those of both parties opposed to confederation in the House, coming together and appointing a leader. Mr. Archibald was ignored, and Mr. Stewart Campbell of Guysboro was chosen for this position. Several supporters of the government had announced their hostility to confederation, and leading Conservatives and supporters of the government were openly announcing their determination to resist the scheme to the death. The session of 1866 brought matters to a crisis. The anti-confederate New Brunswick government had been disposed of. Tilley had come back victorious to office after another general election, and New Brunswick was ripe to enter the union. It only remained for Nova Scotia to join and confederation was assured. The two islands of Prince Edward and Newfoundland were too small to be of serious consequence in the creation of the union, and it was, of course, confidently believed that they would join in due course. It was not quite plain how the existing House of Assembly could be induced to accept the Quebec project. It was a notorious fact that a majority of the members were avowedly hostile, and, vigorous and determined a leader as Dr. Tupper was, it was not easy for him to discover the methods by which he could get a favour-

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able vote for confederation in the existing temper of the House. Suddenly, one day, when the session was well advanced, and when every one was on the *qui vive* as to what steps Tupper would take, Mr. William Miller, now Senator Miller, member for the county of Richmond, made a speech favouring the appointment of delegates to meet representatives of the other provinces in London for the purpose of framing a scheme of confederation more favourable to the interests of Nova Scotia. Most members of the anti-confederate party at that time believed that this startling proposition, coming from one of the most active and determined opponents of confederation, was the result of a compact between Tupper and himself. The opportunity of enquiring into this question occurred some years later, when Mr. Miller brought an action for libel against Mr. Annand because the *Morning Chronicle* had stated that Miller had been corruptly bought by Tupper. In the course of this suit both Miller and Tupper swore most positively that not a single word had passed between them on the subject, and Tupper deposed that no person in the legislature was more amazed than himself when Miller made his proposition. However, Tupper resolved to take instant advantage of the new situation. A few days later he submitted a resolution embodying Miller's proposition, and by the extensive exercise of the patronage of the government and by every bold measure which it was possible for

COMPROMISE REJECTED

an indomitable man to exercise, secured the passage of this resolution, and the field was thereby ripe for a colonial conference in London for the framing of the British North America Act.

In the meantime Howe was consolidating the opponents, and the *Morning Chronicle*, of whose columns he obtained control, thundered against the union every day. By mid-summer, 1866, Howe's duties as fishery commissioner ceased with the treaty, and he was free to resume the active duties of a political leader. It should be mentioned in this connection that, notwithstanding the fact that Howe was seriously opposed to the Quebec scheme, and had many misgivings as to the wisdom of linking Nova Scotia with the Canadas in view of the unfortunate political muddle which had characterized the last decade of their history, he, nevertheless, went to Mr. Archibald, prior to his sailing for England as a delegate to frame confederation, and told him that if it was provided, in any act so framed, that the scheme should not come into operation until it had been submitted to the people of Nova Scotia and voted upon by them, he would withdraw all further opposition and cease entirely the agitation. No such assurance was given him by Archibald, nor indeed was there the slightest intention on the part of the promoters that anything of the kind should be done. It was the purpose of the authors of confederation to get the scheme legally adopted and

to run no risks of a hostile vote of the people. This high-handed method of overturning the constitution of the country without popular assent, was obnoxious to every deep-rooted sentiment of Howe's nature. That the people should rule in all matters had been his invincible principle from the earliest moment of his political life, and it unquestionably stirred his indignation to have this scheme, which he regarded as unfavourable to Nova Scotia, consummated by the imperial parliament in defiance of the wishes of her people.

The following extract from a letter to the Hon. Isaac Buchanan, dated June 20th, 1866, will give a fair idea of the dominant views of Mr. Howe at this time:—“You seem to mistake altogether the grounds on which I have taken the field. Though I have never proposed any scheme of union I have no invincible objection to become a Unionist provided anybody will show me a scheme which does not sacrifice the interests of the Maritime Provinces. The Quebec scheme does sacrifice them completely and the reference to a committee in England is not only an unconstitutional waiver of the rights and responsibilities of the legislature but a leap in the dark besides. The people of Nova Scotia have for one hundred and eight years had their own parliament, and responsible government for twenty-five. I hold that to deprive them of these rights by an arbitrary act of parliament, at the instigation of the Canadians who have never invested a pound of

REASONS FOR OPPOSITION

capital in our country, would be an outrage out of which would grow undying hatreds and ultimate annexation. If an honest, practicable scheme of union can be arranged, let it be printed, perfect in all its parts (which the Quebec scheme is not), and when it has been aired in all the provinces, let the people accept or reject it. If they voluntarily abandon their institutions they will sincerely support the union. If tricked or bullied out of what they value highly they will never be content. When our four hundred thousand tons of shipping go sweeping over the sea with their flags half-mast high, carrying into all British and foreign ports a protest against the outrage done them by the Canadians, you may judge how much stronger they will be for the support of such allies. My course is clear. Old opinions have nothing to do with this matter. I resist the Quebec scheme of government because I do not like it, and the plan for sweeping away the institutions of my country without the consent of its people—because it is an atrocious violation of legal rights never abused or abandoned."

Howe's power over the masses at this time was phenomenal. A few leading Liberals followed Archibald, but it may be safely stated that the entire Liberal party of Nova Scotia, with these few exceptions, placed themselves unreservedly and with ardour under Howe's banner, and their ranks were swelled by a considerable section of the Conservative party, who were alarmed at confederation.

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The delegates met in London December 4th, 1866. The opponents of confederation had raised a considerable fund for the purpose of sending Howe to London, accompanied by Messrs. Anand and Hugh McDonald, M. P. P., to exert their utmost endeavours to defeat, if possible, the confederation scheme. Howe made a magnificent fight in London, but it was manifestly the policy of the imperial government that Canada should be united, and all the weight of the administration was thrown in that direction. It is to be noted also that the leading men occupying the front benches of the opposition were in no way disposed to make an issue of confederation in the imperial parliament.

Howe issued pamphlets, wrote newspaper articles and discussed the question with leading members of the imperial parliament, but without avail, and the British North America Act was adopted on March 29th, 1867, and, as is well known, came into force on July 1st of that year.

Mr. Howe, his efforts to prevent the passage of the British North America Act having failed, was in a measure free from further responsibility. He reported fully to Mr. W. J. Stairs, of Halifax, president of the anti-confederate league, and the following correspondence will indicate that his political associates were disposed to allow him to exercise his own judgment as to the future. The letter from Mr. Stairs which follows is dated from Halifax, March 28th, 1867:—

LETTER FROM MR. STAIRS

“Your letter of the 15th inst. has been received and read to those friends who have been with you so much interested in showing the people of England the state of public feeling in Nova Scotia.

“I thought it right to bring it to the notice of the anti-confederate members of the legislature, and it has elicited with them, jointly with our outside friends, a letter of thanks to you for your devoted services, and shows, if words can express it, their feelings of sympathy for you in this heavy disappointment. Some may say they never expected any other result, that they judged the House of Commons to be as it has proved. But I must say, I am disappointed. I never could have believed the House of Commons was so void of earnestness and so purely selfish as to disregard the rights and wants of a colonial people, when their case was so clearly and distinctly put.

“I must say, if to get rid of these provinces is their idea, and I believe it is, they have shown a clear perception of the mode in which it is to be worked. But all vain regrets must be buried, and we must, to repeat your words, look to make a new page in the history of our country. This is easier for some than for others.

“I am commissioned to convey to you the sense of a meeting of friends held last evening. The names will be seen by you on another paper. The sentiments they expressed as regards yourself were these:—1st. That after the devotion and sacrifice

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you have made of yourself on behalf of Nova Scotia, it is the wish of your friends and the friends of Nova Scotia, that you should cease from any course of public action in the interests of Nova Scotia which may be made at a sacrifice of your personal feelings and interests. 2nd. Your friends feel that should you return and wish to join the parliament at Ottawa, they will hail your aid as of most serious importance to the party whose duty it will be to mould the constitution of the new state, with regard to the interests of Nova Scotia. 3rd. It was expressed by the Hon. Mr. McHeffy that the county of Hants would, whether you were absent or present, return you as a member of the parliament at Ottawa.¹

“And now, dear sir, I have tried to convey to you the sense of the meeting, but I feel it has been most imperfectly put. The kindly words which expressed these thoughts I cannot reproduce. Of this, however, be assured, your friends will hail

¹ Copy of resolution of party friends referred to in the above letter: Resolved unanimously, “That the sincere and cordial thanks of this meeting be, and are hereby tendered, to the Honourable Joseph Howe for his very firm and patriotic vindication of the right of the people of Nova Scotia to be consulted on the question of the confederation of the colonies before the final consummation thereof by the Colonial and Imperial authorities; and that he be most kindly assured that the learning and ability displayed by him in the discussion of that question, involving as it did, the constitutional freedom of Nova Scotia for all time to come, will ever be held in grateful esteem by the hearts and memories of his fellow-countrymen. On behalf of the meeting, Stewart Campbell, Chairman.”

HOWE'S REPLY

with pleasure any word which may reach them of your being happily employed in England, and should you return to continue your lot among us, you will ever have the first place among your countrymen. . . .”

The following is Mr. Howe's reply to Mr. Stairs's letter, dated April 12th, 1867, from 25 Saville Row, London:—“Many thanks for your long, kind letter and its enclosure. Our friends have expressed in a very earnest and touching manner what I know every one of them feel. Though savage enough when all was over I was never for a moment depressed. I had calculated all the chances before coming here, and knew that they were heavily against me. But I knew also that it was my duty to come. If I had not, my honour would have been tarnished and my conscience wounded. Having done my best I can now sleep soundly. Even the Canadians (no matter what our scamps may say) admit that we made a most gallant fight, and now that it is all over I have the satisfaction to know that, however provoked, we have not, in the face of the world, discredited our friends or our country by one ungentlemanly act or word.

“ In leaving me perfectly free to follow my own fortunes, my friends have shown their appreciation of past labours, and recognize my right to repose. I have thought much of this matter during the past month, and I have come to these conclusions, that, perplexed and comparatively defenceless as our

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people must be for some time, I am hardly at liberty to desert them now, at the very crisis of affairs, and when some guidance may be required—at all events, that I cannot do this, or seek or accept other employment until after the general election. If my countrymen desire my aid and wish me to go to Ottawa, they will say so and some county will elect me. If they do not, then they absolve me from all obligation, and I can then dispose of what remains of my life to the best advantage. Were I to express an opinion as to what ought to be done, I might err, and therefore do not, and the matter must rest entirely with my countrymen, whom, by no overt act, on this personal point, can I attempt to influence or control. I shall probably go home by the boat of April 27th, and be governed by the action of my friends, if any has been taken. An idea has got abroad here that I am expected to lead the opposition at Ottawa. It would be a great mistake for our people to pledge themselves to oppose an administration which is not in existence, and which cannot be formed until after the elections take place all over the confederacy. All that they ought to do is to pledge themselves to coöperate and take any line that in their judgments will be most for the interests of our country.

“To conclude the personal matter, let me say that I have not, since I came here, asked any office or preferment, nor do I think, if any were offered, that I could honourably accept it, without laying

LETTERS TO HIS WIFE

myself in some way open to the suspicion of in some way compromising the dignity of my mission, and withdrawing myself from responsibilities which my countrymen may yet wish me to assume."

This is a manly, straightforward statement of his position. Two extracts from his letters to Mrs. Howe at this period show as conclusively that he proposed, having gone thus far, to share the fortunes of his party and make one last struggle for his country. "No appointment has been offered me, nor have I asked for any! The subject of my personal claims or position has never been even alluded to in any communication, personal or written, since I came here. This battle must be fought out before I can think of my own interests or yours either, which God knows are always uppermost in my thoughts. You take, as you always do, just and patriotic views of our duty at this crisis. When the last shot has been fired and I can do no more in defence of my country's rights and interests, with a clear conscience and a cheerful spirit I can commence the world again, and a kind Providence will take care of us as it has always done. It is not worth while even to speculate as to the future just yet, but we will think quick when the proper time comes."

And a fortnight later, on March 2nd, 1867, he writes:—"As you may suppose, the last fortnight has been one of anxiety and vexation, but through it all I have been cheered with the consciousness

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that I have done my duty to my country and to yours and to my father's principles and memory, and am a thousand times happier than I was at Washington or at home last spring before I had decided on my course. I can now live among my own countrymen and enjoy their respect, or lie down beside my father in the churchyard. Do not feel about my disappointment. I never could have been happy had I not fought this battle through, and when it is over will face the future with a light heart."

No one will be surprised then, that after confederation was adopted by parliament, Howe forthwith went back to Nova Scotia and began one of the most brilliant political campaigns in the record of colonial government in British North America. The first general election for the House of Commons of Canada was to take place in September, 1867, and the election for the first provincial legislature was to take place on the same day. A provincial government had been formed under the auspices of Dr. Tupper in July, with Mr. Hiram Blanchard and Mr. P. C. Hill as leading members. A Dominion cabinet was formed at the same time at Ottawa with Sir John A. Macdonald at the head of it, and with Messrs. Archibald and Kenny as the Nova Scotia representatives. Dr. Tupper himself, with great magnanimity, had resigned his right to a seat, which was, of course, placed at his disposal. Howe had one clear purpose, which

IN THE FIELD AGAIN

was to carry, if possible, every one of the nineteen seats which Nova Scotia had in the House of Commons and every one of the thirty-eight seats in the House of Assembly, and to achieve this in the face of all the power and patronage of both the federal and provincial governments and also in the face of the tremendous force and power of Dr. Tupper as an opponent. During the spring of 1867 Howe made a political tour of Nova Scotia, addressing large meetings from town to town, east and west. The enthusiasm which he inspired on these occasions cannot be adequately described in words. His face was not as familiar as of yore in all parts of Nova Scotia, and for some years his voice had not been heard, but he still lived in the hearts of the masses of the people as the greatest figure in the political world. Unquestionably, the sentiment of Nova Scotia at this stage was hostile to political union with Canada, but with the leading politicians on both sides accepting it, it is likely, if Howe had remained neutral, that this opposition would have failed to take effective form and shape. But with Howe at the head of the movement, it developed into a tidal wave which even the indomitable will of Tupper could not resist, although, in justice to him, it must be said that he threw the whole power of his splendid energy into the contest.

The writer may, perhaps, be permitted to describe the incidents of one of these meetings of Howe in 1867, of which he was an eye-witness. The

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meeting for Annapolis county was to be held in Bridgetown, one of the largest and most central towns in the county. The meeting was to take place in the forenoon, which, under ordinary circumstances, would be an impossible hour to secure a great gathering in a farming population, but from eight o'clock onwards carriages began to roll into the town from every quarter, and by half-past ten the town was filled with an excited multitude. A little later Howe drove in himself and was enthusiastically greeted by the multitudes along the street. He put up for a short time at the leading hotel at the head of the street, and hundreds, if not thousands, watched to see his form near a window in the upper story, where, seated at a table, he was making a few notes in preparation for the meeting. At last, accompanied by a number of leading friends, he walked to the court-house. It was found that the building would not contain one-half of the people, and as the day was fairly pleasant, it was necessary to move outside and speak from the steps to the multitude in the open air. Mr. Howe was dressed tastefully, as always, in a suit of grey, and wore a tall white hat. When the meeting was organized and a chairman appointed, Howe came forward and stated that he was accustomed at all such gatherings to begin with three cheers for our beloved Queen, and these were given with a will. Howe was extremely careful during his whole anti-confederate, and later

A CAMPAIGN SPEECH

during his repeal campaign, to make sure that no charge of disloyalty to the empire could be preferred against any action on his part or that of the party with which he was associated. He then launched forth into a magnificent speech dealing with the subject in its broadest terms and carefully abstaining from any mere claptrap appeals to the popular prejudices. As an example of the imagery with which he could embellish passages of his speech, one extract may be given from this admirable address :—

“Aye, but think of the attractions of Ottawa! They may be very great, but I think I may be pardoned if I prefer an old city beside the Thames. London is large enough for me, and you will no doubt prefer London with its magnificent proportions to Ottawa with its magnificent distances. London! the commercial centre of the world, the nursing mother of universal enterprise, the home of the arts, the seat of empire, the fountain-head of civilization. London! where the Lady we honour sits enthroned in the hearts of her subjects, and where the statesmen, the warriors, the orators, historians and poets, who have illustrated the vigour of our race and the compass of our language repose beneath piles so venerable we do not miss the cornice and the plaster. London! where the archives of a nationality not created in a fortnight are preserved, where personal liberty is secured by the decision of free courts, and where legislative chambers,

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the most elevated in tone, control the national councils and guard the interests of the empire. Surely with such a capital as this we need not seek for another in the backwoods of Canada, and we may be pardoned if we prefer London under the dominion of John Bull, to Ottawa under the dominion of Jack Frost."

Howe, at all events, so successfully pursued his campaign against confederation that out of nineteen members of the House of Commons, only one, Dr. Tupper, and that by the most tremendous exertions, was elected to represent the confederate cause, and of the thirty-eight seats in the provincial legislature only two confederates secured election, and one of these, Mr. Blanchard, by a division in the ranks of the anti-confederate party. He was promptly unseated, and at the bye-election defeated by an immense majority, a few months later. Most of the anti-confederate candidates in both the federal and provincial House were elected by overwhelming majorities. In fact a more complete tidal wave of popular opinion was scarcely ever exhibited in the history of popular government.

Howe at this moment was the hero of the hour, and it seemed as if he held the destiny of the province within his own keeping. A provincial government was promptly formed with Mr. Annand, Howe's life-long friend, at the head of it, and with his anti-confederate supporters as members. At the first session of the federal parliament, Howe

TUPPER'S PARTY GROWS

appeared with an unbroken phalanx to raise the note of repeal in the national councils, while his only opponent, Dr. Tupper, confronted him without a follower. This was the appearance that matters assumed at this moment, but the history of the world demonstrates clearly enough that events are not controlled by mere majorities. Now that Howe had been able, by dint of his marvellous influence, to induce the people of Nova Scotia to reject confederation and demand the disruption of the union, what was to be the outcome? For upon the solution of this must depend ultimately the strength or weakness of Howe's position.

Of course, the provincial government took immediate steps to obtain a repeal of the union, and in this they received the coöperation of all the Nova Scotia members of the House of Commons, with three exceptions. One exception the reader would naturally expect, but already Dr. Tupper was proceeding with his task of sapping the strength of the anti-confederate party. Mr. Stewart Campbell, who had been elected to the House of Commons for Guysboro, as an unflinching anti-confederate, had suddenly announced his belief that, as confederation had been adopted, it would be unwise and unpatriotic to take further steps to secure its dismemberment. Mr. James McKeagney of the county of Cape Breton had from the beginning intimated his determination to take a similar course, and these two men from this moment may be classed as Dr. Tupper's

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followers. A delegation was immediately appointed to go to England and demand a repeal of the British North America Act, so far as it related to Nova Scotia. Of course, Howe was put at the head of this delegation, with Annand, J. C. Troop and H. W. Smith as co-delegates. Howe sailed for England on February 14th, 1868, and the other delegates proceeded later. Dr. Tupper was chosen by the government of Canada as its representative to oppose the action of the Nova Scotian repealers, and to uphold the integrity of the Dominion.

Howe, who was, of course, the soul of the delegation, proceeded to take the most active measures to further his plans. He issued pamphlets and published letters. He canvassed personally members of the House of Commons and of the House of Lords. He was able to secure the active coöperation of no less a personage than Mr. John Bright, who became his spokesman in the House of Commons, and of Lord Stratheden in the House of Lords, but he plainly saw very soon after his arrival, indeed it is not unlikely that the suspicion took possession of his mind before he started, that it was distinctly a part of the imperial policy that confederation should be maintained. He was therefore unable to secure the slightest aid or encouragement from the colonial secretary or the members of the government, and he found equal difficulty in obtaining any cordial coöperation from those occupying the front benches of the opposition.

TUPPER AND HOWE IN LONDON

Early in March Tupper appeared in London and his first step on his arrival there was to proceed to Howe's lodgings to present his compliments. Unquestionably, Tupper felt that he was bound to capture Howe, and he recognized that even the stars in their courses were fighting for him and his cause. Howe and Tupper had their first interview alone in London. The situation could not be misunderstood. Dr. Tupper said: "Mr. Howe, you are here seeking a repeal of this union. You are commissioned for that purpose, and bound to exert your utmost efforts. You will fail. What then?"

And indeed, what answer could Howe make, even with his overwhelming majority in the provincial legislature and his great array of support in the House of Commons, and his overpowering command of the electorate? Could he propose political union with the United States? Tupper knew that it was opposed to every instinct and prejudice of Howe's character. Was rebellion to be thought of? Three hundred thousand Nova Scotians against the empire! This was too preposterous for serious consideration. What then? Was Howe's great statesmanship to be put to no better use than to disturb and agitate the union and give birth to a spirit of faction and unrest, which would paralyze the efforts of the authors and founders of this new nation? Could any one expect that a man of Howe's greatness could picture such a line of conduct as the outcome of all those large ideas of

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constructive statesmanship which had characterized his entire life? Tupper clearly perceived this when he put that poignant question—"What then?"

Howe naturally pleaded that he could do nothing but remain true to those whom he represented. He knew quite well that he had conjured up a spectre which he could not down and was powerless to control. But Dr. Tupper's answer was prompt: "You cannot permanently ally yourself with a disturbing faction. Your place is in the government of Canada, helping by your talents and your influence with the masses to secure the effective operation of confederation itself." And when all was said and done, that was the only course open to Joseph Howe. He remained in London to the end, until Mr. Bright's proposition for a committee of enquiry was voted down by an overwhelming majority, and when a proposition favourable to repeal had been rejected by an incoming Liberal administration in as clear and decisive terms as had characterized the answer from the Conservative government which had just left office.

Before leaving England Howe penned an eloquent and spirited protest on behalf of Nova Scotia addressed to the colonial secretary, in which he concluded with these memorable words: "In the interim, we presume, the future of our country will be anxiously considered by its people. May the Almighty guide them. Having discharged our duty to the empire, we go home to share the perils

A LOSING BATTLE

of our native land, in whose service we consider it an honour to labour, whose fortunes in this, the darkest hour in her history, it would be cowardice to desert." Then he and his co-delegates sailed for Halifax, and on board the same steamer was Dr. Charles Tupper. Before leaving England he had written to Sir John Macdonald that "Howe would soon be with us."

Howe and his associates were received in Halifax by the anti-confederate party as the heroes of Nova Scotia's rights, and Tupper was welcomed by a few leading men who had gathered upon the wharf to present their respects, among others Mr. Tilley, of New Brunswick. Howe's position at this moment was extremely trying and painful. He saw plainly that it would be unpatriotic and unworthy to keep up a fruitless agitation which would constitute a disturbing feature in confederation, and yet it required little prescience to foresee what attitude would be assumed towards him by that great anti-confederate party which his genius had created. There is nothing from which a spirited man shrinks with such instinctive horror as the charge of treason, and it was not difficult to perceive that any movement on his part towards staying the insensate agitation for repeal would be met by a howl of indignant dissent from the repeal party. This, indeed, might have been avoided but for the existence of a provincial government. The members who had been elected to the House of Commons

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were distinctly pleased with the condition they found there; soon began to fraternize with the representatives of the other provinces, and soon in their hearts ceased to have the slightest desire for a repeal of the union. But the members of the provincial government were not brought in contact with Canadian questions at all. They owed their position to the tidal wave of anti-confederate feeling in Nova Scotia. They believed that this still existed and would not spend its force for some years, and that the most effective method by which they could retain the confidence of the people who sent them there was to keep up the agitation for repeal, though they knew quite well that it would be hopeless and fruitless. Therefore at this moment the highly-inflamed anti-confederate party in Nova Scotia looked to the local government for the championship of its cause rather than to the members of the House of Commons. If the leaders of the provincial government had frankly agreed with Howe as to the course which should be pursued, much of the difficulty and opprobrium with which he had later to contend would have been avoided. But there was no intention on the part of the leaders of the provincial government to do anything of the sort. The consequence was that the first moment Howe gave indications of an intention to hesitate respecting further measures looking to repeal, Mr. Annand, his life-long friend and associate, parted company with him, and opened the

TUPPER'S ACTIVITY

columns of the *Morning Chronicle* to an unceasing tirade of abuse of his old leader and hero.

When Howe returned from England he was still received and regarded as the leader and hope of the repeal party. If any of his associates on the delegation had suspicions regarding his future course, they concealed them, and, as a consequence, public meetings and receptions were held in which Mr. Howe was glorified for his able championship of the repeal cause; and uncompromising determination to carry forward the struggle was everywhere expressed. But events were developing. On landing at Halifax Tupper found Mr. Tilley, a member of the federal cabinet, and to him he unfolded Howe's doubts and difficulties, and the inevitable determination to which they must ultimately carry him. Mr. Tilley was induced to write a letter to Sir John Macdonald, recommending that he come down to Nova Scotia and confer with the leaders of the anti-confederate party. As for Tupper himself, he set out straightway for Ottawa to find Sir John in person, and not finding him there, pursued him to Toronto and induced him to agree to visit Nova Scotia about August 1st, 1868. It happened that the provincial legislature was to hold a special session at that date, and in view of the failure of the repeal delegation, a convention of all the provincial and federal members opposed to confederation was to be held in Halifax. Tupper's anxiety was not so much to secure a favourable

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consideration of any proposition to stay the repeal movement with the party generally as to bring Sir John and Mr. Howe together, because he recognized that if Howe's coöperation could be obtained, the backbone of the repeal movement would be broken, and that Howe's great name and influence, allied to his own confederate followers in Nova Scotia, would quickly give him command of the situation.

Sir John agreed to this visit and was accompanied by Sir Georges Cartier, Mr. Peter Mitchell and Mr. William McDougall. The announcement of Sir John's intended visit was made in advance, and was received with mingled feelings by the anti-confederate party. Sir John, although confederation had been achieved but a year, had already gained the reputation of being a most able and adroit manipulator of men and conditions, and the uncompromising repealer viewed with alarm the prospect of the wily politician bedevilling the leaders of the anti-confederate party. One of the repeal organs, the *Acadian Recorder*, went so far as to suggest violence to Sir John, and this drew from Mr. Howe the following letter to the editor of the *Morning Chronicle*, dated July 30th, 1868, which is so characteristic of the man that it must be inserted in full:

“The papers inform us that Sir John A. Macdonald and his lady, and perhaps Mr. Cartier, are coming to Nova Scotia on a visit, and the editor of an evening paper bespeaks for them, should they come, discourteous treatment, if not rougher hand-

HOWE'S PROTEST

ling. I regret to see this spirit manifested in any quarter. Where actual war rages flags of truce are respected, and the soldiers in the field exchange courtesies across their lines which lend the grace of chivalry to the sternest conflicts. Roderick Dhu shared his plaid and his heather couch with Fitz James, though ready and anxious to cross swords with him in the morning. We have taught the public men of Canada and of England within the past two years that the people of Nova Scotia are men and not cravens. Let us show them now that we are gentlemen and not ruffians. One rude word, one act of courtesy, would disgrace us all, and bring such discredit on our cause as to make it hopeless hereafter.

“Nineteen Nova Scotians traversed the Canadas last fall, and sojourned for forty days in the capital of the Dominion. Though the great majority of them were known to be hostile to the fundamental law under which the legislature was convened, and not very friendly to the government—though I and others denounced the act and the policy of the majority on all suitable occasions, with indignant freedom of speech, yet from the time we entered Canada until we came out of it we received from all classes of the people hospitable and courteous treatment. I passed through the crowded corridors of the House of Commons with my hot words ringing in the ears of the people I met, but they never offered me insult, and at three o'clock in the

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morning I often went to my lodgings alone, as little apprehensive of obstruction or offence as I would have been in the streets of Halifax. Let us hear no more, then, of different treatment of Canadians, high or low, in any part of the province. If we have lost our constitution let us preserve our manners.

"The secretary of state and the imperial parliament have thrown upon the Canadian government the responsibility of action in the great controversy which, at the present moment, perplexes us all. It would appear that its leaders have promptly responded, and will come here to discuss with Nova Scotians such remedial measures as they may have to propose. We are bound to give them a fair hearing and courteous treatment. Is our case so bad that we are afraid to discuss it on our own soil with the leading men of Canada? Are we so strong that we can afford to outrage the public sentiments of the whole world by a reckless disregard of all usages of civilized diplomacy? I think not, and I hasten to say that I should deeply regret if any indiscretion were to sully a course which has hitherto been conducted with dignity and temper which have challenged the respect even of those to whom we have stood opposed. I am quite sure that on reflection, the writer to whose article I refer, and whose views it is possible I may have misapprehended, will concur in the opinions which I consider it a public duty thus frankly to express."

This was the first public utterance which had

SIR JOHN MACDONALD'S VISIT

fallen from Howe's lips since his return from England. His residence was a neat little cottage in a grove on the Dartmouth side of the harbour, and while all others were talking the great old sage remained silent, and his silence was bearing its fruit in mutterings of suspicion on the part of his friends and followers. This letter gave a distinct indication of his intention to treat with Sir John, and his desire that he should be courteously received during his visit.

Sir John and his colleagues arrived at Halifax on a Saturday evening, July 31st, and Sir John himself became a guest of Sir Hastings Doyle at government house. He immediately addressed a note to Mr. Howe, stating his desire to meet him, and suggesting Sunday at half-past one o'clock as a suitable hour. Howe acknowledged the note and agreed to meet him at that hour at government house, and it can be easily imagined what matters of weighty import were discussed during the afternoon between these two distinguished men. The next day the anti-confederate caucus assembled in the old parliament buildings. Mr. Howe presided. An executive committee was appointed to give Sir John Macdonald and his colleagues a hearing, and Howe was able to secure even this slight concession only by his own casting vote. Sir John Macdonald appeared before this committee composed of the leading men of the party, including all the members of the provincial government, but he accomplished

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nothing definite by this. Sir John was too adroit to commit himself by any injudicious promises. He stated that his government had been charged by the colonial secretary with the duty of discovering what just grievances Nova Scotia had, and if any of the terms of union were shown to be unfair that his government would undertake to make them right, and he invited most full and cordial representations in this regard. So far as the provincial government and its immediate followers were concerned, no concessions would have been accepted. It was not their interest to come to terms. It was their interest at that moment to have the agitation kept up, but Sir John Macdonald's words had their weight with those members of the anti-confederate party who were in the House of Commons, and they were not wanting in effect even upon members of the provincial legislature who were just and broad enough to recognize that the agitation was aimless and vexatious. But Sir John Macdonald's visit had accomplished this important result: it had secured a *rapprochement* between himself and the great leader of the repeal party.

It is scarcely possible to appreciate the enormous difficulties which surrounded Howe at this moment. Patriotism declared, in unmistakable terms, that it was his duty to abandon this vexatious and hopeless struggle. The appreciation of his own name and character in history proclaimed that it would be impossible to avoid the adverse judgment of man-

A DIFFICULT POSITION

kind, if he lent himself further to a lost cause. On the other hand, he was confronted with the unquestionable fact that he would have the bitter hostility of the provincial government, and that in his ears would be heard the din of a thousand voices proclaiming him a traitor, and these the voices of lifelong friends and admirers. He might well, perhaps, have wished that he could have been spared such a victory as seemed to be his on September 18th, 1867. Sir John Macdonald desired Howe to take immediate steps to end the difficulty. The most persistent claim put forth by the anti-confederate party was that under the financial terms of confederation, Nova Scotia was not receiving full justice. It is scarcely worth while to enquire into the niceties of this claim, because, whether it was well founded or mythical, it was seized upon by Sir John Macdonald as a convenient means of taking some step to reconcile Nova Scotians to the union. He wished Howe to enter at once upon the discussion of better terms with Sir John Rose, the finance minister. Howe hesitated, but he agreed to give the whole question careful consideration and to continue the discussion with Sir John by correspondence. Consequently, soon after his return, Sir John Macdonald wrote a lengthy and carefully prepared letter, setting forth his understanding of the situation, and pressing upon Mr. Howe the necessity of giving these matters careful attention with a view to early action. The correspondence,

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which extended over two months, between Sir John Macdonald and Howe, has been published in the appendix of Pope's "Life of Sir John Macdonald," and these letters are intensely interesting historical documents, although it must be frankly admitted that in this correspondence, viewed from a political standpoint, Sir John Macdonald comes out distinctly best. Not a line in his several letters but showed evidence of most careful reflection; not an injudicious expression falls from his pen; nothing that could not safely be given to the world at any moment. Howe's letters are scarcely free from some tokens of indiscretion. He sometimes puts himself somewhat in the power of Sir John, and he occasionally betrays unfortunate tokens of personal feeling in regard to his late associates. It must be remembered that at this date Mr. Howe was sixty-five years old, and although many men have exercised their full faculties at a much later period in life, it may be fairly stated that he was not the Howe that drove Sir Colin Campbell and Lord Falkland from Nova Scotia.

Mr. Howe showed Sir John Macdonald's letter to Annand, the head of the provincial government, because he did not fail to realize how important it was that the provincial government should be induced, if possible, to coöperate in measures looking to a settlement of Nova Scotia's grievances on the basis of better terms. Annand read the letter and at once stated: "Yes, we will take this letter

HOWE AND ANNAND

and deal with it." Probably this would have been very satisfactory to Howe if he could have trusted Annand to have dealt with it in a fair and ingenuous manner, but it required no great wisdom to see that if left absolutely to be dealt with by the provincial government, it would have been not the means of securing reconciliation, but the means of the provincial government's seeking justification for the continuation of the struggle by imposing unreasonable, indeed impossible, conditions upon the federal government. Howe was therefore compelled to withdraw the letter from Annand's consideration, since, indeed, coöperation was impossible. It was thus that these two life-long friends parted company, and that a powerful faction remained in Nova Scotia to hamper every movement of Howe in the direction of reconciliation, to keep up the agitation for repeal for a year or two longer, and, even then, to leave a rankling sentiment in the breasts of hundreds, if not thousands, of men in Nova Scotia, who might, under fair conditions, have been reconciled to the great measure of Canadian confederation.

Howe's version of the interview between Annand and himself on this point is as follows:—"Mr. Annand wished to shelve Sir John's letter until another delegation could be sent to England. I said, 'If I put this by for six months and let you send a delegation and the answer is unfavourable—what then?' Mr. Annand replied, 'Then I will go for

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annexation.'” To this Mr. Howe answered, “In that case we should have to part, and we may as well part now and save six months’ time.”

Howe remained in seclusion at “Fairfield” during the summer and autumn. A vote of thanks to the delegates had been adopted by the legislature of Nova Scotia before its adjournment in September, and a day was appointed on which the delegates were to appear at the bar of the House and receive this token of honour from the mouth of the speaker. Mr. Annand, Mr. Troop and Mr. Smith were at the bar, but the great old Joseph was absent, though not far away. Indeed, at the very moment when the speaker was conveying the sentiments of the House, Howe, on the arm of a friend, was walking to and fro on Hollis Street under the shadow of the parliament building. Mr. Howe had his reasons, and they were fairly good ones, for not wishing at that moment to accept hypocritical professions of regard from the men whom he knew were presently to turn and rend him.

Every day that Howe refused to join in the vehement outcry against confederation the suspicion deepened in the mind of the anti-confederate leaders that he was about to forsake the cause, and dark whispers and ominous shakings of head were heard and seen. Knowing that he was without means it was the prevailing fear of the repealers that Howe would obtain some imperial office as the price of abandoning his friends, or even some

THE REPEAL PARTY SUBSCRIPTION

lucrative place provided by the federal government. These fears were absolutely without foundation and no doubt remains that Howe was solely concerned in devising the best and most honourable means whereby the provincial interests could be served and the trouble ended.

The wealthy men of the repeal party conceived the idea of meeting these fancied temptations by counter proposals. When Messrs. Howe, Annand and Hugh McDonald went to London in 1866-67 to oppose the adoption of the confederation scheme, their expenses were paid by a subscription from the friends of the anti-confederate party, and a sum had been raised for this purpose, amounting to \$6,710.97. When the anti-confederate government had been formed, subsequent to the elections, it was deemed a proper thing to vote from the provincial treasury this sum for the purpose of recouping the friends who had raised it by voluntary subscription. One day in September, 1868, one of the merchants who had been a liberal contributor to this fund and a devoted friend of Howe, visited him at "Fairfield," and made a proposition that this sum should be handed over to him as a mark of appreciation for his devoted services to the cause. The real object was, of course, delicately veiled, but a man of Howe's discernment could not fail to apprehend its possible meaning. After giving the matter careful consideration he wrote to another very influential friend in

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the city a lengthy letter in which it will be seen that Howe, in very plain terms, declines to permit his actions to be hampered by personal considerations of any kind. It was publicly stated by Howe that another attempt had been made to bind him to the cause in the form of a proposal to send him to Washington as a special commissioner for Nova Scotia, but this he declined even to consider. The following is the letter above referred to, dated Fairfield, September 26th, 1868 :—

“ My dear B.—G—— was over yesterday and we talked all the afternoon. As you and others whose motives are equally friendly were not present I have thought it due to you to put upon paper the substance of what was said to G——.

“ 1st. As respects the rumours and slanders set afloat about the town and country, I believe they all come out of the province building and had their origin in the meanest and most contemptible of motives. They are without a shadow of foundation.

“ 2nd. I had with the imperial government in 1867 no intercourse or communication which was not known to or read by Messrs. Annand and McDonald. In 1868, except during the two days that Mrs. Howe and I spent at Stowe, when confederation was never mentioned, some or all of the delegates were present at every interview with the Duke of Buckingham, and saw, I believe, every note that passed between us. I have at no time, since I resigned my fishery commissionership, asked

INDEPENDENCE

for office, nor has any offer been made to me by Her Majesty's government. I have had no communication with the imperial authorities since leaving England, and the story which I found floating about Hants the other day, that the British government had said to Mr. Howe, 'You quiet Nova Scotia and we will take care of you,' is a base falsehood, without a shadow of foundation.

"3rd. It is just as untrue that I have accepted office under the Dominion government. The very reverse is true, and Sir John Macdonald was informed that nothing would induce me to take office until the country was satisfied and my own friends thought that I could do so with honour. Even when consenting to coöperate with him for the restoration of our American trade it was with the distinct understanding that my services would be gratuitously rendered, that no miserable scamp should have it in his power to say that money was an inducement.

"You will perceive, therefore, that at this moment I stand perfectly independent of the imperial and of the Dominion governments. Now, for many reasons, I desire to stand quite as independent of the local government. In the critical and delicate circumstances in which this province is placed, it may become my duty to act on my own judgment, and, should the necessity arise, I wish to be perfectly untrammelled by all considerations except those of public duty.

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“I have no faith in a further appeal to England, and I cannot lie to the people of Nova Scotia and amuse them with vain delusions and another expensive delegation.

“I do not believe in Mr. Wilkins’s law, and I do believe in the paramount power of the imperial parliament.

“I do not believe in committing a body of honourable and loyal men to treason, insurrection and filibustering raids into our country without the smallest chance of a fair fight to be crowned by reasonable success.

“I do not believe in passing revenue laws which nobody would obey, without the governor’s assent, nor in imprisoning collectors who would be instantly released on a writ of habeas corpus.

“I do not believe in making treasonable speeches one day nor in eating them the next. Nor in censuring a governor and then shrinking from the inevitable alternative—a dissolution.

“For these, and for sundry other reasons, it is of the utmost importance that I should keep myself clear of all entanglements just now. If, as I believe he will, Sir John A. Macdonald puts into official form the substance of what he said to the committee of the convention, I want to be at perfect liberty to reconsider the whole subject as it may be then presented.

“As respects our mercantile friends, I have nothing to conceal from them. My action in the

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future as in the past will be fair and open. If they wish to do my family the service delicately explained to me by Mr. G., I am perhaps not rich enough to refuse their gift. But I want it to be made, if made at all, with a full knowledge of the facts. I have always thought, without any reference to what they might do with it, that the merchants were entitled to have the money advanced in 1867 for the public service, repaid by the government. But if this is done it ought to be done purely on public grounds and without reference to its further appropriation. If given to me it should be given for past services, leaving my future action untrammelled. If given merely as a retainer to commit me to a policy which I may or may not approve, my friends would not, I am sure, feel offended if in that case the offer was respectfully declined."

The correspondence between Mr. Howe and Sir John Macdonald resulted in a conference at Portland between Mr. Howe and Mr. A. W. McLellan, one of the members of the House of Commons, and Sir John Rose, in which the whole financial situation was taken into careful consideration. Mr. A. W. McLellan, who afterwards became a minister, was a sound and able financier, and a very suitable man to coöperate with Mr. Howe in details. It may be mentioned, however, that Howe's first choice for his associate was Mr. A. G. Jones, of Halifax, who was regarded as one of the most

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influential men of the anti-confederate party, and on Howe's dropping out, became the recognized leader of that party in Nova Scotia. Mr. Jones, in response to Howe's request, very frankly stated his reasons for declining. He would be very glad to enter into such negotiations, with the aim of securing financial justice to Nova Scotia, but he said with much cogency, that any efforts made by any persons who did not secure the coöperation of the provincial government would not settle the question, and that it was useless to attempt to secure a settlement until the local House agreed to it. As evidence that Mr. Howe acted openly in all his actions in this matter, it is to be noted that before going to Portland he addressed the following circular, dated October 19th, 1868, to his Nova Scotia supporters in the House of Commons:—

“Sir John A. Macdonald sent me last week a semi-official letter, embodying the statements and propositions made here to the committee of the convention, to which I have replied to-day. As these papers are of some length I cannot have copies made for all our friends, but I write to say that they and any others that may form part of our correspondence will be open to the inspection of the members of the House of Commons whenever any of them come to town.”

At Portland arrangements were made for the sum of \$1,188,750 to be added to the debt to be credited Nova Scotia on entering confederation,

A MEMORABLE CONTEST

and an annual payment of \$80,000 for ten years. Howe would, undoubtedly, have preferred not to have entered the government of Sir John Macdonald at this time. If he could have maintained an independent attitude as a member of the House of Commons, he could have avoided many imputations which followed his acceptance of an office of honour and emolument. He foresaw this with unerring clearness, but, unfortunately, the option was scarcely left with him. Sir John Macdonald stated that it involved great difficulty and risk to agree to these large concessions to Nova Scotia, and that his only hope of being able to carry such a measure through the House of Commons was by the assurance that the repeal movement would cease, and that the only substantial guarantee he could give to his colleagues and supporters was the presence of Mr. Howe himself in his cabinet, helping to carry out the great work of confederation. To this appeal Howe could make no answer. The consequence was that on January 30th, 1869, Howe was sworn in as president of the privy council, and came back to Nova Scotia to face the issue with the electors of the county of Hants, for which county he was then sitting as member. The contest in Hants was the most memorable in the history of single elections in Nova Scotia. The provincial government and the entire anti-confederate party threw themselves into the county from far and near, because it was recognized that the struggle

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was one of life or death to the anti-confederate party of Nova Scotia. Funds were not wanting. The sum of \$6,710.97, voted generously by the legislature to recoup the men who had patriotically subscribed it to pay the delegates in 1866-67, was paid over to the treasurer of the repeal league, and the very sum with which the leaders of that movement sought to bind Howe to their cause was in the end applied to secure his defeat in Hants.

Nevertheless, Howe's friends were not inactive. As long as his health permitted he made a splendid fight, but, unfortunately, during the campaign his strength completely failed him and he was confined to the house, and the election had to be carried on by friends. The result of the election, however, was entirely satisfactory to Howe. His majority was three hundred and eighty-three, and by his election the cause of repeal received its death blow, although the provincial government still utilized it as a battle-cry for a year or two afterwards, and this notwithstanding the fact that the better terms which Howe had achieved were accepted by them, and all the advantage of the larger annual revenue which his exertions had obtained, inured to their benefit.

Howe did not long remain the president of the council. The department of secretary of state for the provinces soon became vacant by the retirement of Mr. Archibald, and Howe was assigned to this place. This department was an important one and corresponded very largely with the duties

VISITS FORT GARRY

now performed by the minister of the interior. The admission of the North-West Territories and the creation of the province of Manitoba were especially under his control. In order the better to discharge his duties, Howe made a visit to Fort Garry, or Winnipeg, in the autumn of 1869, and studied upon the spot all the circumstances and surroundings of the situation, and became impressed with the idea that difficulties were to be met in taking possession of that country. On his return from this visit he met Mr. McDougall, who was on his way to assume the duties of governor when the territories should be legally handed over. In the brief interview which occurred, Howe frankly pointed out some of the dangers of the situation, but the circumstances of their meeting on a cold day, in open conveyances, made a lengthy interview impossible. Mr. McDougall, after the unfortunate fiasco which attended his attempting to assume his duties, charged Mr. Howe with having fomented the difficulties during his visit to Winnipeg. This charge, of course, was preposterous. Howe had no other object than to remove obstacles and to pave the way towards pleasant and friendly relationships with the people of the new territory which was about to become a part of the Dominion. After his return to Ottawa news of the outbreak on the Red River reached the capital. The correspondence in relation to this troublesome incident in Canadian history devolved

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upon Mr. Howe, and in it he displayed his old-time ability in unfolding in lucid and fitting terms the varying phases of the situation. In all the important problems which confronted the Canadian government during the four years that he was in office, he took a fairly active part.

Howe's four years as a member of Sir John Macdonald's cabinet are the least glorious of his whole career. His health was impaired, not entirely on account of old age, although he was sixty-five when he became a member of the government, but chiefly owing to the arduous winter campaign of 1869 in his election in Hants, when he was compelled, as has been mentioned, to withdraw from active participation in the fight. His journey to the North-West was also a task beyond his physical power and his exposure during the long journey in a sleigh in November, and the necessity of camping out on the plains produced serious results. Consequently, during the remainder of his term in office he did not possess the vigour and fire of former years. But, apart from this, the situation was novel. Howe had been accustomed all his life to lead and control events. He found himself a member of a government of which Sir John Macdonald was the supreme head and of a cast of mind totally different from his own. Sir John Macdonald was a shrewd political manager, an opportunist, whose unfailing judgment led him unerringly to pursue the course most likely to

GOVERNOR OF NOVA SCOTIA

succeed each hour, each day, each year. Howe had the genius of a bold Reformer, a courageous and creative type of mind, who thought in continents, dreamed dreams and conceived great ideas. Sir John Macdonald busied himself with what concerned the immediate interests of the hour in which he was then living, and yet Sir John Macdonald was a leader who permitted no insubordination. Sir Georges Cartier, a man not to be named in the same breath with Howe as a statesman, was nevertheless a thousand times of more moment and concern with his band of *Bleu* followers in the House of Commons, than a dozen Howes, and the consequence is that we find, for four years, the great old man playing second fiddle to his inferiors, and cutting a far from heroic figure in the arena in which he had been cast under circumstances altogether unfavourable. There are gleams of the old fire in occasional speeches delivered in the House of Commons, but this old fire usually betrayed him into injudicious observations which led to trouble and sometimes proved perplexing to Sir John Macdonald.¹

In the spring of 1873 the governorship of Nova Scotia became vacant by the retirement of Sir Hastings Doyle. This position was offered to Howe. He accepted it, and in May, 1873, he was sworn into office, and took up his residence at government house, Halifax, the very place from which he had driven the Colin Campbells and Falklands in a

¹ See Appendix "B"

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former day. His health was broken, but his friends hoped that the leisure and freedom from care of this position would enable him to recuperate, and Mr. Howe himself on assuming office was cheerful and buoyant. He was not destined to hold this high place long, for his great career was soon to reach its termination.

When weighing, as history must weigh, his claims and qualifications as a statesman of the first order, those of our Canadian fellow-citizens who do not belong to Nova Scotia, and who are not familiar with his great career must try to do him the justice of never measuring his qualities by the four unfortunate years that he was a cabinet minister in Ottawa.

CHAPTER X

INCIDENTS

MR. HOWE had always a yearning desire to visit England and note in person the scenic aspects and industrial developments of Great Britain, and also to come in contact with her public men and study on the spot her political institutions. At the close of the session of 1838, he sailed on April 28th for England accompanied by T. C. Haliburton (Sam Slick), and did not return until November. During that time he not only travelled over a large part of Great Britain and Ireland, but also visited France, Belgium, and a portion of Germany. He contributed to the *Nova Scotian* a series of delightful articles under the title of "A Nova Scotian in England." These have never been published in separate form, but they would make as interesting a book of travels as any that have been published in this country.

On the voyage across, the ship upon which Howe had taken passage was overtaken by the steamer *Syrius*, which had made a trial trip to America from England and was on her return voyage. The captain of the *Tyrian*, on which Howe was sailing, determined to send his mails on board of her. Mr. Howe visited the steamer while she was lying to

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and was entertained by the captain, after which he returned to his ship which lay becalmed, while the steamer proceeded easily upon her voyage. This incident so far impressed Mr. Howe, whose eye was ever alert for anything that would operate favourably to his country, that he devoted himself, on his arrival in England, to the task of drawing the attention of the colonial minister to the desirability of establishing steam communication between Great Britain and Halifax. Mr. William Crane, a prominent man from New Brunswick, was in London at the time and he joined with Mr. Howe in a letter addressed to Lord Glenelg. Two extracts from this letter will serve to demonstrate how clearly Howe grasped the problem of steam communication between Great Britain and British North America and how broad and far-reaching were his views in this regard even at this early date:—

“Since the undersigned left the colonies, and after the close of the legislative sessions, the successful voyages made to and from England and New York have solved the problem of the practicability of steam navigation across the Atlantic, and rendered a revision of the system of packet communication between Great Britain and her North American provinces extremely desirable, if not a measure of absolute necessity. Assuming that no reasonable doubt can any longer be entertained that the commercial and public correspondence of Europe and

LETTER TO LORD GLENELG

America may now, and to a vast extent will, be conveyed by steam, the question arises whether the line of packets between the mother country and the important provinces of North America, should not be immediately put upon a more efficient footing. This question, for a variety of reasons, is beginning to press itself strongly upon the minds, not only of the colonists generally, but of all those who in this country are engaged in commercial relations with them, or are aware of the importance, in a political point of view, of drawing them into closer connection with the parent state. . . .

“If Great Britain is to maintain her footing upon the North American continent—if she is to hold the command of the extensive sea coast from Maine to Labrador, skirting millions of square miles of fertile lands, intersected by navigable rivers, indented by the best harbours in the world, containing now a million and a half of people and capable of supporting many millions, of whose aid in war and consumption in peace she is secure—she must, at any hazard of even increased expenditure for a time, establish such a line of rapid communication by steam, as will ensure the speedy transmission of public despatches, commercial correspondence and general information, through channels exclusively British, and inferior to none in security and expedition. If this is not done, the British population on both sides of the Atlantic are left to receive, through foreign channels, intelligence of much that

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occurs in the mother country and the colonies, with at least ten days, in most cases, for erroneous impressions to circulate before they can be corrected. Much evil has already arisen from the conveyance of intelligence by third parties, not always friendly or impartial ; and, from the feverish excitement along the frontier, the indefatigable exertions of evil agents, and the irritation not yet allayed in the Canadas, since the suppression of the late rebellions, it is of the highest importance that a line of communication should be established, through which not only official correspondence but sound information can be conveyed. The pride, as well as the interests of the British people, would seem to require means of communication with each other, second to none which are enjoyed by other states."

Very soon after this, Mr. Samuel Cunard of Halifax, with great foresight and enterprise, established a steamship line between Great Britain and Halifax, which created many bright hopes in the breasts of the people of that city at the time. The enterprise grew to such proportions that the Cunard line subsequently made New York the terminal point on this continent and developed into one of the great steamship lines of the world. The desirability, however, of direct rapid transit between Great Britain and Canada, through some convenient point on the Atlantic coast, has continued to occupy the attention of the public men of this country to

ADVOCATES RAPID TRANSIT

the present day, and no words advocating this project have been couched in broader and more effective terms than those uttered by Joseph Howe in 1838.

Howe visited England many times after this, as will have been observed from the records of the preceding chapters of this book. He became to a large degree associated with the public men of Great Britain, and was, in his day, perhaps the most conspicuous figure in London among the colonial statesmen of the empire.

An incident which illustrates Howe's determination to uphold his cause at all hazards occurred in 1840. It is unnecessary to state that the persistent and successful attacks which he was making upon the salaried and governing class of Nova Scotia excited the bitterest hostility. At first an attempt to crush him by ridicule and ostracism was tried, but this proving unsuccessful, and Howe's capacity and possibilities becoming each day greater, the leading spirits of the governing class became desperate. It has been mentioned that in 1840, after the resolutions had passed asking for the recall of Sir Colin Campbell, public meetings were held in Halifax and elsewhere in the province to discuss this burning question. At one of these meetings Johnston made a speech of considerable length and importance, which Howe had no opportunity of answering on the spot. He replied to it in two stinging letters addressed to the people of Nova

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Scotia, and in these he arraigned the existing irresponsible system of government, the high salaries which were paid to the chief justice, Sir Rupert D. George and others, and plainly intimated that if these gentlemen were to give up their positions, they could be filled on more moderate salaries by men of equal if not greater capacity. The publication of these letters promptly evoked a challenge to Mr. Howe. It may be mentioned that his first invitation to an affair of honour had come two years previously from Doctor Almon, who was then just beginning to practice in Halifax, who afterwards became a senator and died but a few years ago, and who was well known all his life for his somewhat extreme views on many questions. This matter was disposed of without a meeting. So far as can be gathered, young Almon was unable to obtain any leading man to act for him in this proposed affair. But after the publication of the letter to the people of Nova Scotia, Mr. John C. Halliburton (son of the chief justice, Sir Brenton Halliburton) believing his father to have been insulted in this letter, sent a formal challenge to Howe, which was promptly accepted, his old and staunch friend, Herbert Huntington, undertaking to act for him and be his second in the duel. It may seem strange at this time that any public man would think of risking his life on the field of honour in this country, and the sixty or more years that have intervened since then have so far wrought

CHALLENGED TO A DUEL

a change in public opinion, that anything of the kind would be considered preposterous at this date; but in 1840 duelling had not entirely disappeared in Halifax, and Howe felt it his duty to accept. Fortunately, we have on record his own words of justification and a full analysis of all the incidents which seemed to make the step necessary, in a letter written to his sister shortly after the event, which will be read not without interest at this present time:—

“Your long letter only confirmed my apprehension that you would be startled and worried by the duel. I fully appreciate all you said, and enter into your feelings—but nobody but myself could exactly understand the requirements of my position, and, constituted as society is, the almost imperative necessity there was for my taking the step. Providence, in this case, mercifully preserved me, for which, I trust, I shall never cease to be thankful, and strengthened my hands by the very means which were taken to disturb me. For my own part, I hate and detest duelling as much as you do—as much as anybody can. A person who engages in it lightly must be a fool—he who is fond of it must be a villain. It is a remnant of a barbarous age, which civilization is slowly but steadily wearing away, but still it is not worn out. There are perhaps three views taken of duelling by three large classes of persons at the present day—the religious people view it with abhorrence, as an ordeal in which there

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is no justice and by resorting to which the express commands of the Deity are violated—the fashionable, those who fancy themselves possessed of a more elevated station in society than the rest of their fellow-creatures, and who believe that they have higher notions of honour and a monopoly of courage and fine feeling, cherish and boast of this institution as one peculiarly their own, although they have no more real affection for it than their neighbours—while the great body of the people, those who settle their own differences with fists, sticks and horsewhips, while they seldom resort to the pistol, are yet admirers of personal intrepidity in all its forms, and rely with more affectionate attachment upon a leader in the senate or the cabinet, if assured that he is fit to lead them in the field. My own belief is that there are situations which try the moral courage more severely than duelling. So far as my experience goes I would rather stand a shot than go through the ‘rescinding of the resolutions,’ the ‘libel trial,’ or the moving of the ‘address of censure.’ On either and all these occasions there was more at stake than a limb as far as I was concerned—more than a life as regarded the country, and I suffered a thousand times more than on the morning I went out with Halliburton. Indeed that affair was done with as much coolness as any other piece of business. I had been long impressed with the conviction that it would have to be done with somebody, at some

LETTER TO HIS SISTER

time, and had balanced the pros and cons and regarded the matter as settled. So long as the party I opposed possessed all the legislative influence they did not much mind my scribbling in the newspapers—when I got into the House they anticipated that a *failure* there would weaken my influence as a political writer, and believing I would fail, were rather glad than sorry. When, however, they found I not only held my own, against the best of them, but was fast combining and securing a majority upon principles striking at the root of their monopoly, they tried the effect of wheedling, and, that failing, resorted to intimidation.

“For the first two sessions Uniacke’s bearing and speeches were most insolent and offensive. I let him go on for some time, till the House was satisfied that he had earned a dressing, and then curried him down once or twice to his own surprise and that of his friends, who expected that he would have challenged me. He did not, however, although I fully expected it. He saw I was determined, was satisfied and altered his tone. Another member of the party was annoyed at a speech I made two or three years ago and demanded an apology. I consulted Dodd who was an old hand at such work ; we handed the parties the reporter’s notes of the speech and refused to apologize for a word of it. The gentleman, finding we were not to be bullied, thought fit to be satisfied. Winter before last, young Dr. Almon called me out—his father abused

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me in the council and I skinned him in the House. This was easily disposed of. . . .

“Thus stood matters when Halliburton’s message came. To him I could not object. Though younger than me and having neither any family nor political party depending on him, still he was in the situation of a gentleman and had a right to make the demand. Had I ever been out with anybody I would at once have refused or explained—because in fact there had only been a fair comparison of different classes, and no insult in the matter; but feeling assured that he could not draw back, and that if I did it would subject me to repeated annoyances from others, and, perhaps, either weaken my position as a public man, or compel me to shoot some fellow at last, I selected a friend whom I knew would go through with it if necessary. He did his best to prevent it, but the thing had to be done, and all is well that ends well. I never intended to fire at him and would not for ten thousand pounds—all that was necessary was for me to let them see that the Reformers could teach them a lesson of coolness and moderation, and cared as little for their pistols, if anything was to be got by fighting, as for their arguments and abuse. I know you will say that the risk was greater than any advantage would justify—morally speaking it was—politically, there were strong temptations and among them the one which I know you will prize the highest was the perfect

THE DUEL

independence I received to explain or apologize—to fight or refuse—in future. A proof of the advantage gained in this respect was shown a fortnight ago. Sir Rupert D. George being annoyed at a passage in the first letter to the solicitor-general, sent John Spry Morris to me with a challenge. My answer was, 'that never having had any personal quarrel with Sir Rupert, I should not fire at him if I went out, and that having no great fancy for being shot at by every public officer whose intellect I might happen to contrast with his emoluments, I begged leave to decline.' This I could not have done had he come first, but now, the honour was not equal to the risk—nothing was to be gained either for myself or my cause—they got laughed at and nobody blamed me."

The meeting took place one morning in the spring of 1840 at a place in Point Pleasant Park near the old Tower. It had been arranged that the affair should come off at an early hour, and Howe and Huntington were upon the scene at the time appointed. Pistols were used and Halliburton fired first. Fortunately, he missed his aim. Howe, with that generous and chivalrous nature which always characterized him, discharged his pistol in the air and the affair was over. Mr. Howe asked Mr. Huntington to breakfast, and they went back from this exciting meet in a somewhat serious mood. Very little was said at the breakfast hour,

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and Mrs. Howe, remarking the unusual silence, asked: "What is the matter with you all this morning, one would think you had been to a funeral?" and then it was that Howe for the first time related to her the incidents which indicated that he had been much nearer to a funeral than she had suspected. On the day of the duel Howe wrote and left with Huntington four letters to be delivered in case anything serious should occur. Two were in respect of business matters and it is not necessary to refer to them. Of the other two, one was addressed to his wife, and the other to the people of Nova Scotia. These two letters will be read with sympathetic interest, not only by those who knew him and appreciated the tenderness of his nature, but by all those who respect under all conditions a brave and loving heart. To his wife he wrote:—

"The painful alternative of risking my life has been forced upon me, very unnecessarily, as I conceive, but in a way and from a quarter that it may not be put aside. You know my sentiments upon these matters and the view I take of all the obligations which my position imposes. If I fall, my will, made before going to England, will secure to you and the children all I am worth. Sell the Pearl, keep up the *Nova Scotian*, pay my debts and there will be a living for you all. I have written a line to Thompson and Arthur who will not do less than what is right. Confide in James who will be a

TO HIS WIFE AND COUNTRYMEN

father to you. I cannot trust myself to write what I feel. You had my boyish heart, and have shared my love and entire confidence up to this hour. Heaven and ourselves only know the pure pleasures of the past—the future, for you and my dear babes might well unman me, and would, did I not feel that without a protector you could better face the world, than with one whose courage was suspected, and who was liable to continual insult which he could not resent. God in His infinite mercy bless you. There shall be no blood on my hand. Yours till death, Joseph Howe."

To the people of Nova Scotia he wrote:—"My friends,—During the political struggles in which I have been engaged, several attempts have been made to make me pay the penalty of life for the steady maintenance of my opinions. Hitherto Providence has spared my life, and without dis-honour averted the necessity for an appeal to those laws which society has prescribed. This may not be the case always. Were my own feelings only to be consulted under the circumstances which may make the publication of this letter necessary, I might, and probably would, decline a contest, but well knowing that even a shadow of an imputation upon my moral courage, would incapacitate me for serving my country with vigour and success hereafter, I feel that I am bound to hazard my life rather than blight all prospects of being useful. If I fall, cherish the prin-

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ciples I have taught—forgive my errors—protect my children.”¹

Howe was a man of broad sympathies, and no class—especially the weak and helpless—failed to

¹ Very soon after, Mr. Howe was challenged by Sir Rupert D. George. Fortunately, having given conclusive proof of his courage and sustained his position as a man of honour before all the world, he was able to dispose quickly of Sir Rupert's challenge. The correspondence is furnished on account of the interest which these illustrations of the type of the age will afford :—

Sir Rupert D. George's challenge :—

“Sir,—I called at your house with the intention of delivering the enclosed note from my friend Sir Rupert George, but finding you out have been obliged to send it under cover. I have only to request on his behalf that you will appoint a friend to make the contemplated arrangements as early as possible. I shall be at the Exchange Reading Room until six o'clock and again at half-past seven. I am, Sir, your obedient humble servant, John Spry Morris.—April 24th, 1840.”

Enclosure :—

“Joseph Howe, Esq.—Sir: I have read your letter to the people of Nova Scotia and considering your observations with respect to myself to be insolent and offensive, I have requested my friend, Mr. Morris, to make the arrangements that have become necessary for the settlement of the affair between us. Your most obedient servant, Rupert D. George.—24th April.”

“John Spry Morris, Esq.—Sir: Your note of this day's date, covering one from Sir Rupert D. George, has just reached me, and in reply to both I have to state that I see no occasion for my consulting any friend upon the subject of them, but at once, and without any hesitation, decline the hostile meeting to which they point.

“Having never had any personal quarrel with Sir Rupert George, I should certainly not fire at him if I went out, and I have no great fancy for being shot at, whenever public officers, whose abilities I may happen to contrast with their emoluments, think fit to consider political arguments and general illustrations ‘insolent and offensive.’ I am, sir, your obedient, humble servant, Joseph Howe.”

INDIAN RIGHTS

receive his generous consideration. When he entered political life the Indians of Nova Scotia were a quite neglected race. The Indians in the province were not numerous and consisted of one tribe, the Micmacs. In laying out Crown lands, reservations had been made for them, but no one had been appointed to see that their rights were respected, or to assist them in any way in acquiring the rudiments of an education, or to encourage them in giving up a nomadic life and making permanent settlements by building houses and cultivating lands. In 1841, soon after Howe's admission to the executive council of Lord Falkland, he addressed to that nobleman a long and able letter setting forth the condition and needs of the Micmac race in the province. Lord Falkland's response to this was the appointment of Howe as a special Indian commissioner, and an appropriation of money was made to enable him to give aid and encouragement to the Indians.

Howe devoted a great deal of attention to the discharge of this work. He obtained data in respect to Indian reserves in the Crown lands' office. He had correspondence with not only the chiefs of the Indian tribes, but clergymen and others, chiefly Catholic priests who were interested in the Indian tribes in their vicinity. In the autumn of 1842 he made a tour of the province, visiting every Indian reserve and Indian camp from one end of the province to the other.

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In the Nova Scotia archives a fairly good sized volume is preserved in manuscript, mostly in Howe's own handwriting, containing a detailed statement of all his labours and efforts on behalf of the Indians, and it affords extremely interesting reading. He appeared to enter with warm sympathy into the cause of the Micmac and he seems to have been wonderfully successful in winning his way into their confidence and regard. One passage from his report will serve to illustrate how broad were his sympathies and how easily he could adapt himself to the most unique circumstances:—

“A ride of ten miles further out on what is called the Liverpool road brought me to Charles Glode's farm. For the greater part of the way, though there is a struggling settlement of whites, this road is very indifferent, and for the last three miles there is only a wood path. As several lots had been laid off for Indians on my plan, I was in hopes to have found several families together. In this I was disappointed though some had chopped down a few acres. Either from the badness of the road, the distance from town, the stony character of the soil, or from all these causes combined, the others have strayed off to other places without making any perceptible improvement. I reached Glode's camp some time after dark. He was absent on a hunting expedition and I was compelled to throw myself on the hospitality of his two daughters, young girls of twelve and fifteen, who in that

VISITS THE INDIANS

remote situation, several miles from a habitation and surrounded by the wilderness, were left in possession of his worldly goods, and who, though the most perfect children of nature that I ever beheld, required some explanation and persuasion before they would lift the latch.

“Having won their confidence, watered and fed my horse, by the aid of birch bark torches, we got some herrings, potatoes and tea for supper. I spent a couple of hours in contrasting the not ungraceful but guileless simplicity of these young creatures with the active intelligence and prurient knowledge of things good and evil, so common among persons of the same age in the cultivated and more artificial state of existence I had left behind me.

“It was almost impossible to make conversation as we had so few topics in common and at last we lit a torch and fell to writing down Indian names with the corresponding English words, an exercise which seemed to interest my young friends very much.”

Of course Howe ceased to be Indian commissioner when he retired from Lord Falkland’s council in 1843, but he always took a warm interest in the Indian population, and to most of them he was as great a hero as he was indeed to the fellow-citizens of his own race.

In 1854 a bill was introduced into the Nova Scotia legislature by Mr. Johnston to prohibit the importation, manufacture and sale of all intoxicating

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drinks. Such measures are now common in both the federal and provincial legislatures. Usually statesmen hedge upon them and dispose of them by various subterfuges. Howe was opposed to prohibition and met the issue squarely in a speech of wonderful boldness and rare eloquence, every word of which would be read with interest, but only a few passages of which can be given. These, at all events, show that Howe did not shirk the issue, notwithstanding that the legislature had been flooded with petitions, and considerable interest had been excited on the question. He said in part:—

“The world has come down to the present period, from the most remote antiquity, with the wine cup in its hand. David, the man after God’s own heart, drank wine. Solomon, the wisest of monarchs and of human beings, drank wine. Our Saviour not only drank it, but commanded Christians to drink it ‘in remembrance of Him.’ In strong contrast with our Divine Redeemer’s life and practice we hear of the Scribes and Pharisees, who drank it not—who reviled our Saviour as a ‘wine bibber,’ and the ‘companion of publicans and sinners,’ who would have voted for the Maine liquor law as unanimously as they cried, ‘Crucify Him.’ . . . So far as my reading extends, I may assert that every king, every statesman, every warrior who has illustrated the page of history, drank wine. The apostles who were the companions of our Saviour, drank it. The prophets, whose flights of inspiration still astonish us, we have

SPEECH ON TEMPERANCE

every reason to believe, drank it. Cicero and Demosthenes, and all the orators of antiquity and of modern times, indulged in the juice of the grape. Who can say how much of the energy which gave them such power of language was drawn from its inspiration ? Have these men been eclipsed by the Dows and Kellogs of the platform ? What orators has the state of Maine sent forth comparable with the Pitts, Burkes, Grattans, Foxes, and Sheridans of the British Islands, every one of whom drank wine ? Let the learned gentleman glance at the noble structures—the architectural wonders that embellish Europe. Who reared them ? Men of gigantic intellects whose common beverage was wine. Let his eye range through the noble galleries where the sculptors have left their statues ; where the painters have hung in rich profusion the noblest works of art. Wine, we are told, clouds the faculties and deadens the imagination. Yet it was drunk by those benefactors of their race ; and we cannot, with their masterpieces before us, believe the assertion, till their works have been eclipsed by artists trained up under this rigorous legislation. Has Maine turned out as yet a statue that anybody would look at ; a picture that anybody would buy ? Look at the deliverers of mankind ; the heroic defenders of nations. Was Washington a member of the temperance society ? Did not Wallace 'drink the red wine through the helmet barred ?' Who will undertake to say that Bruce, on the morning on which

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he won the battle of Bannockburn,—that Tell, on that day when he shot the apple off his son's head, had not tasted a glass of whiskey or a stoop of wine?

“If then, sir, all that is valuable in the past—if heroism, and architecture, and oratory, sculpture and painting—if all that has bulwarked freedom and embellished life—has come down to us with the juice of the grape; if no age or nation has been long without it, I think it behooves the advocates of this bill to show us some country where their system has been tried; some race of men who drank nothing but cold water.”

Allusion has been made to one visit of Mr. Howe's to the United States on an unpleasant mission and with unfortunate results, but it must be understood that he was not an infrequent visitor to American cities and was everywhere a welcome guest. In 1851 a great festival was held in Boston to celebrate the completion of railway communication with the West, and British America was represented by the governor-general, Lord Elgin, Mr. Hincks and Mr. Howe. The occasion was honoured with the presence of the president of the United States and some of the most eminent men in the union, including Edward Everett, Josiah Quincy and others. Howe spoke on behalf of British America in the same elevated strain which characterized all his speeches. He visited Boston again in July, 1857, and at the city cele-

TRIBUTE TO EVERETT

bration in Faneuil Hall, responded to the toast "The Queen of Great Britain," in the course of which he paid the following tribute to Edward Everett :—

" You are indeed fortunate in the possession of a man who gives to our land's language its strength unimpaired by the highest embellishment. The Indian draws from the maple the bow wherewith he kills his game, and the sap with which he sweetens his repast. Mr. Everett draws from the same large growth and cultivation, the arguments by which he sustains the great reputation and great interests of his country, and the honeyed accents which give to scenes like this the sweet cement of social life. The ancients

"Threw pearls of great price in their goblets of gold,
When to those that they honoured they quaffed."

He melts into our cup the rich ingots of his imagination, and every man who listens to him is intellectually richer for the draught."

Another passage alludes to the relations between Britain and the United States :—

" England is no longer the harsh mother against whom that old indictment was filed. She is founding new provinces every day, training them in the practice of freedom and in the arts of life; and, when they are prepared for self-government, she does not force them into declarations of independence, but gracefully concedes to them the right to make their own constitutions, and to change and

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modify them from time to time. We North Americans may have had our grievances in the olden time. We may have had our own contests with besotted statesmen and absurd systems, but now we are as free as you. We govern ourselves as completely as any of your independent states. We have universal suffrage and responsible government. You may sometimes have to endure a bad administration for four years ; we can overthrow a bad one by a single resolution, on any day of the year when our parliaments are in session. Think of us then, as we really are, your equals in many respects ; your rivals, it may be, in all things honourable, but ever your brethren, your friends, your neighbours."

A little later Howe was a guest at the Democratic festival at the Revere House, and responded to a toast, "Our mother country," in a speech equally brilliant and pleasing.

In 1865 a great convention of the boards of trade and chambers of commerce of the United States was held at Detroit, to which representative men from all the cities of British North America were invited. The purpose of the convention was to consider the question of fiscal relations between the United States and British North America in view of the fact that notice had been given of the termination of the Reciprocity Treaty of 1854-66. It was one of the greatest gatherings of a commercial character that has taken place on this continent, and such eminent Americans as the Hon. Hannibal Hamlin, Vice-

SPEECH AT DETROIT

President of the United States, and from Canada such men as the Hon. Messrs. Holton, Flint, Gibbs, Buchanan, Leonard, Sir Hugh Allan, Peter Redpath; the Hon. Messrs. Fisher, Botsford and Steeves, of New Brunswick, and other eminent men from all parts of North America gathered together. Two resolutions were adopted by the convention. One was approving of the action of the United States in giving notice of the termination of the treaty, and the other was a resolution requesting the president of the United States to enter into negotiations with the government of Great Britain, having in view the execution of a treaty between the two countries for reciprocity of commercial intercourse between the United States and the several provinces of British North America, which should be just and equitable to both parties. Howe was one of the delegates from Halifax to this convention, and spoke upon this resolution. His speech so far excelled the other addresses that it became the one great feature of the convention, and the Detroit convention itself is remembered now chiefly on account of this address. It so impressed the delegates that at the conclusion of one of its finest periods, the vast gathering rose *en masse* and gave three cheers. He gave a clear statement of the incidents which had led to reciprocity, the mutual advantages which had accrued from its operation, and the special and superior advantages derived from its provisions by the

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people of the United States. He pleaded for a broad and generous policy in respect to this subject, but at the same time, in eloquent terms, he told the citizens of the United States that the people of British North America could never be lured from their allegiance or forced by any commercial pressure into an abandonment of their regard for the empire. The speech remains as one of the noblest expositions, by a statesman of either country, of the true relations which exist between the United States and Canada.

Prince Edward Island had, from almost its earliest settlement, suffered from the consequences of improvident grants of large areas of land to private holders, by which settlers were deprived of the titles to their lands and the country was kept in perpetual agitation on the question of land monopolies and quit rents. After much correspondence between the government of the island, the proprietors and the colonial secretary, it was at last arranged that the whole matter of difference between the proprietors and the tenants should be left to the arbitrament of three commissioners, one to be appointed by Her Majesty's government, one by the legislature of Prince Edward Island as representing the tenants, and the third by the proprietors. On the acceptance of this proposition by the legislature of Prince Edward Island, the Hon. Joseph Howe was unanimously chosen to represent the tenants on the commission. The Hon.

PRINCE EDWARD ISLAND

John Hamilton Gray, of New Brunswick, was appointed to represent the imperial government, and John W. Ritchie, Esquire, an eminent lawyer (and afterwards judge), of Nova Scotia, to represent the proprietors. These commissioners opened their court at Charlottetown on September 5th, 1860, and heard counsel representing the various parties, and took a large volume of evidence. They subsequently traversed the island from end to end, examining minutely into the circumstances and conditions of all portions of the province affected. They then made a report extremely full, and dealing in an exhaustive manner with every phase of the dispute, and made an award which should have been satisfactory to all parties concerned. It was satisfactory to the government and people of Prince Edward Island, and an act was at once adopted by the legislature of Prince Edward Island giving legal effect to the award. This act, however, was disallowed by the Crown, on the advice of the colonial secretary, upon whom must rest the responsibility of having, by a narrow and illiberal policy, postponed the settlement of this acute question for more than ten years.

CHAPTER XI

HOWE AND LITERATURE

THE public speeches and official acts of a statesman convey only a partial idea of his real character. In comparing Howe's speeches and public letters with those of other Canadian statesmen, it will be found that he has left behind him a volume of political literature in no way approached by the written remains of any one or any half-dozen public men who have exercised a commanding influence in moulding the institutions of Canada. It is quite true that a number of those engaged actively in public life have given more or less attention to matters of a literary character. The Hon. George Brown was a vigorous prose writer, but so far as is known, his writings were confined entirely to political topics. Sir John Macdonald has left on record a number of public letters of great interest, which reveal him as a man of enormous sagacity, of unfailing prudence, and with a clear mastery of the subject matter under discussion, but his most devoted admirers would scarcely regard his writings as literature, or anything more than the clear and careful exposition of existing political conditions at any given period. Mr. L. S. Huntington wrote a book or two and

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some poetry. Alexander Mackenzie wrote a life of George Brown, but it could hardly be called a successful biography nor did it reveal any special merit. David Mills wrote some poetry as well as prose. Sir Charles Tupper has contributed a few magazine articles on political topics, which are not at all unlike, in tone and substance, his speeches on similar topics. Of literary work, it could scarcely be claimed on his behalf that he has done anything. Sir John Thompson, Sir Georges Cartier, Mr. J. J. C. Abbott, and Sir McKenzie Bowell have contributed nothing beyond newspaper editorials to literature, nor indulged in any special writing, as far as is known, except that of a purely political type. Sir Wilfrid Laurier has certainly literary sympathies and has written some few charming articles, which betray a taste which gives great promise, but his time has been absorbed so fully in political work that there has been little scope for the cultivation of the muse.

Mr. Howe stands forth unique in this regard. His political writings are, of course, his best known work, and these embrace a variety of topics, so large and varied in their character as to put him in a class by himself among Canadian public men. He contributed the first and the last word upon the subject of colonial self-government, and was unquestionably the man who, above all others, enlightened the imperial authorities, and especially colonial secretaries, as to the true and only policy whereby the colonial possessions could be retained and made

VARIETY OF POLITICAL TOPICS

loyal and devoted to the empire. He was among the first of those who dreamed dreams of the consolidation and greatness of British North America, and no public man in Canada has ante-dated him in his great prophecy of 1851, that there were those within the sound of his voice who would live to hear the screech of the railway whistle in the passes of the Rocky Mountains. He stands almost first among those who conceived the great idea of imperial federation, and certainly no man has ever lived within the empire who has contributed such a wealth of knowledge, and such a breadth of conception to this subject as Joseph Howe. Indeed, if all that has been said within the last decade on this topic by all the statesmen within the British empire, were brought together, nothing more cogent, nothing more advanced would be found than in his "*Speeches and Letters*," published more than fifty years ago. As long ago as 1838, Howe recognized the importance of a fast line of steam service between Halifax and Great Britain, and if all that has been said on the fast-line service within the past decade were added together, there would be found nothing more advanced on the subject, nor anything said half so forcibly and eloquently, as when Howe dealt with the same topic half a century ago.

If it be really important that Canadians should be loyal to the Crown and devoted to the empire, no public man born within this Dominion has con-

tributed one tithe as much towards propagating and enforcing that principle as Joseph Howe. Indeed, his speeches and public letters on the great political topics which have concerned British North America and, in fact, the empire, constitute a body of literature which can be read with as much interest, profit and inspiration to-day as when they first appeared, and contain within them germs which cannot die, and which will seem fresh and inspiring to future generations.

But Howe's literary work was by no means confined to his political writings, though no man engaged in public life in British North America had more exacting political duties cast upon him. It was his business, almost single-handed, to educate a province, both by his pen and by his personal presence. He frequently held office, and even when not in office was the centre, soul and rallying point of his political party, and yet he found time amidst these exciting duties to write a great deal, both in prose and poetry. In Halifax he became at an early period of his career, in spite of the strong political feeling that existed, the indispensable man on all great occasions. In 1849 Halifax celebrated the hundredth anniversary of its foundation by Cornwallis, and on that occasion Howe composed the words of a song, now familiar enough, which still vibrates with the emotion with which he wrote it:—

All hail to the day when the Britons came over,
And planted their standard, with sea-foam still wet,

THE FLAG OF OLD ENGLAND

Around and above us their spirits will hover,
Rejoicing to mark how we honour it yet.
Beneath it the emblems they cherished are waving,
The Rose of Old England the roadside perfumes ;
The Shamrock and Thistle the north winds are braving,
Securely the Mayflower blushes and blooms.

CHORUS.

Hail to the day when the Britons came over,
And planted their standard with sea-foam still wet,
Around and above us their spirits will hover,
Rejoicing to mark how we honour it yet.
We'll honour it yet, we'll honour it yet,
The flag of Old England ! we'll honour it yet.

In the temples they founded their faith is maintained,
Every foot of the soil they bequeathed is still ours,
The graves where they moulder, no foe has profaned,
But we wreath the them with verdure, and strew them with flowers
The blood of no brother, in civil strife pour'd,
In this hour of rejoicing, encumbers our souls !
The frontier's the field for the Patriot's sword,
And curs'd be the weapon that Faction controls !

CHORUS—Hail to the day, etc.

Then hail to the day ! 'tis with memories crowded,
Delightful to trace 'midst the mists of the past,
Like the features of Beauty, bewitchingly shrouded,
They shine through the shadows Time o'er them has cast.
As travellers track to its source in the mountains
The stream, which far swelling, expands o'er the plains,
Our hearts, on this day, fondly turn to the fountains,
Whence flow the warm currents that bound in our veins

CHORUS—Hail to the day, etc.

And proudly we trace them : No warrior flying
From city assaulted, and fanes overthrown,
With the last of his race on the battlements dying,
And weary with wandering, founded our own.
From the Queen of the Islands, then famous in story,
A century since, our brave forefathers came,

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And our kindred yet fill the wide world with her glory,
Enlarging her Empire and spreading her name.

CHORUS—Hail to the day, etc.

Ev'ry flash of her genius our pathway enlightens—
Ev'ry field she explores we are beckoned to tread,
Each laurel she gathers, our future day brightens—
We joy with her living and mourn for her dead.
Then hail to the day when the Britons came over,
And planted their standard, with sea-foam still wet,
Above and around us their spirits shall hover,
Rejoicing to mark how we honour it yet.

CHORUS—Hail to the day, etc.

On another notable public occasion he stirred
every patriotic heart in his country by another
poem of no less fire and merit, entitled:—

OUR FATHERS

Room for the Dead ! your living hands may pile
Treasures of Art the stately tents within ;
Beauty may grace them with her richest smile,
And Genius there spontaneous plaudits win.
But yet, amidst the tumult and the din
Of gathering thousands, let me audience crave:—
Place claim I for the Dead—'twere mortal sin
When banners o'er our Country's treasures wave,
Unmarked to leave the wealth safe garner'd in the Grave.

The Fields may furnish forth their lowing kine,
The Forest spoils in rich abundance lie,
The mellow fruitage of the cluster'd Vine
Mingle with flowers of every varied dye ;
Swart Artizans their rival skill may try,
And, while the Rhetorician wins the ear,
The pencil's graceful shadows charm the eye,
But yet, do not withhold the grateful tear
For those and for their works, who are not here.

Not here? Oh! yes, our hearts their presence feel
Viewless, not voiceless, from the deepest shells

OUR FATHERS

On memory's shore harmonious echoes steal,
And names, which, in the days gone by, were spells,
Are blent with that soft music. If there dwells
The spirit here our Country's fame to spread,
While ev'ry breast with joy and triumph swells,
And earth reverberates to our measured tread,
Banner and wreath will own our reverence for the Dead.

Look up, their walls enclose us. Look around,
Who won the verdant meadows from the sea?
Whose sturdy hands the noble highways wound
Through forests dense, o'er mountain, moor and lea?
Who spanned the streams? Tell me whose works they be,
The busy marts where commerce ebbs and flows?
Who quelled the savage? And who spared the tree
That pleasant shelter o'er the pathway throws?
Who made the land they loved to blossom as the rose?

Who, in frail barques, the ocean surge defied,
And trained the race that live upon the wave?
What shore so distant where they have not died?
In ev'ry sea they found a watery grave.
Honour, forever, to the true and brave,
Who seaward led their sons with spirits high,
Bearing the red-cross flag their fathers gave;
Long as the billows flout the arching sky,
They'll seaward bear it still—to venture or to die.

The Roman gather'd in a stately urn
The dust he honour'd—while the sacred fire,
Nourish'd by vestal hands, was made to burn
From age to age. If fitly you'd aspire,
Honour the Dead; and let the sounding lyre
Recount their virtues in your festal hours;
Gather their ashes—higher still, and higher
Nourish the patriot flame that history dowers,
And, o'er the old men's graves, go strew your choicest flowers.

His lectures before the Mechanics' Institute in
Halifax, some of which, fortunately, have been
preserved, may still be admired for their wealth of

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patriotic sentiment, and their genuine eloquence. Two of these are especially notable, one on the "Moral Influence of Women," and the other on "Eloquence."

When the tercentenary of Shakespeare was celebrated in Halifax in 1864, every one turned to Joseph Howe to deliver the oration on the occasion, and among the many splendid tributes which the most gifted minds throughout the empire laid at the feet of England's and the world's greatest poet, few surpassed in purity of diction and warmth of eulogy the oration delivered by Joseph Howe. It has been already mentioned that while yet a boy he composed a poem on Melville Island, and those who will care to read it in the published volume of his poems will see that it reveals a poetical gift which would do no discredit to a poet of maturer age. His most ambitious poem was entitled "Acadia," but was never finished, although it fills some hundreds of lines and is extremely beautiful from beginning to end. Many of his best verses were the fruits of happy inspiration in going from place to place throughout Nova Scotia. It has been mentioned that he was fond of riding over many portions of the province on horseback, and by this means he became acquainted with many families, among whom he was always a welcome and revered guest. On one occasion, while visiting a political friend, Mr. Eaton, in Cornwallis, he drove in the autumn to the beautiful Gaspereau Valley, and on his way observed

THE DESERTED NEST

a deserted nest that hung shelterless on a tree. This evoked the following stanzas:—

Deserted nest, that on the leafless tree,
Wavest to and fro with every dreary blast,
With none to shelter, none to care for thee,
Thy day of pride and cheerfulness is past.

Thy tiny walls are falling to decay,
Thy cell is tenantless and tuneless now,
The winter winds have rent the leaves away,
And left thee hanging on the naked bough.

But yet, deserted nest, there is a spell
E'en in thy loneliness, to touch the heart,
For holy things within thee once did dwell,
The type of joys departed now thou art.

With what assiduous care thy framers wrought,
With what delight they viewed the structure rise,
And how, as each some tiny rafter brought,
Pleasure and hope would sparkle in their eyes.

Ah ! who shall tell when all the work was done,
The rapt'rous pleasure that their labours crown'd,
The blissful moments Nature for them won,
And bade them celebrate with joyous sound.

A Father's pride—a Mother's anxious care,
Her flutter'd spirits, and his gentlest tone,
All, all, that wedded hearts so fondly share,
To thee, deserted nest, were surely known.

Then though thy walls be rent, and cold thy cell,
And thoughtless crowds may hourly pass thee by,
Where love, and truth, and tenderness did dwell,
There's still attraction for the Poet's eye.

It was in no small measure due to Howe's efforts that the mayflower (trailing arbutus) became generally recognized as the floral emblem of the province, and Nova Scotians everywhere were charmed by the appearance of the poem in

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which in fitting terms he celebrates the beauties of this modest floweret:—

Lovely flow'ret, sweetly blooming
'Neath our drear, ungentle sky—
Shrinking, coy and unassuming,
From the gaze of mortal eye.

On thy bed of moss reposing,
Fearless of the drifting snow,
Modestly thy charms disclosing,
Storms but make them brighter glow,

Spring's mild, fragrant, fair attendant,
Blooming near the greenwood tree,
While the dew-drop, sparkling, pendant,
Makes thee smile bewitchingly.

Oh! I love to look upon thee,
Peeping from thy close retreat,
While the sun is shining on thee,
And thy balmy fragrance greet.

View exotics, proudly growing
On the shelter'd, mild parterre,
But, if placed where thou art blowing
Would they bloom and blossom there?

April's breeze would quickly banish
All the sweets by them display'd,
Soon each boasted charm would vanish,
Every cherish'd beauty fade.

Scotia's offspring—first and fairest,
Nurst in snows, by storms caress'd
Oh! how lovely thou appearest
When in all thy beauty dress'd.

Red and white, so sweetly blending,
O'er thy fragrance throw a flush
While beneath the dew-drop bending,
Rivall'd but by beauty's blush.

Welcome, little crimson favour,
To our glades and valleys wild,
Scotia ask'd, and Flora gave her,
Precious boon, her fairest child.

HOWE AND HALIBURTON

On social occasions Mr. Howe not infrequently contributed poetic toasts. During most of their lives Mr. Howe and T. C. Haliburton (Sam Slick), were friends and boon companions. Haliburton was somewhat older than Howe and had left public life before Howe entered it, but they were often thrown together socially. Haliburton, by assiduous devotion to literary work, has secured a conspicuous place among the humourists of America. He was not regarded in his day as a very great man, but he was eminently jovial, and at all convivial occasions brimful of wit and bad puns. Howe had infinitely superior intellectual qualities, and indeed finer literary tastes, but his duties as a politician precluded his giving the same attention to literary work. Ultimately Haliburton left the Bench and moved to England, where he obtained a seat in the House of Commons. On one of the convivial occasions in Halifax after Haliburton's departure, Howe proposed his health in the following toast:—

Here's a health to thee, Tom, a bright bumper we drain
To the friends that our bosoms hold dear,
As the bottle goes round, and again and again
We whisper "we wish *he* were here."

Here's a health to thee, Tom, may the mists of this earth
Never shadow the light of that soul
Which so often has lent the mild flashes of mirth
To illumine the depths of the Bowl.

With a world full of beauty and fun for a theme,
And a glass of good wine to inspire,
E'en without thee we sometimes are bless'd with a gleam
That resembles thy spirit's own fire.

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Yet still, in our gayest and merriest mood
Our pleasures are tasteless and dim,
For the thoughts of the past, and of Tom that intrude,
Make us feel we're but happy with him.

Like the Triumph of old where the *absent one* threw
A cloud o'er the glorious scene,
Are our feasts, my dear Tom, when we meet without you,
And think of the nights that have been.

When thy genius, assuming all hues of delight,
Fled away with the rapturous hours,
And when wisdom and wit, to enliven the night,
Scatter'd freely their fruits and their flowers,

When thy eloquence played round each topic in turn,
Shedding lustre and light where it fell,
As the sunlight in which the tall mountain tops burn,
Paints each bud in the lowliest dell.

When that eye, before which the pale Senate once quailed,
With humour and deviltry shone,
And the voice which the heart of the patriot hailed,
Had mirth in its every tone.

Then a health to thee, Tom, every bumper we drain
But renders thy image more dear,
As the bottle goes round, and again and again,
We wish, from our hearts, you were here.

It has been mentioned that Howe very nearly became the editor of the New York *Albion*. He contributed some very delightful articles to that publication, one of them a vivid pen and ink sketch of Daniel O'Connell, whom Howe had met in London, and another entitled "The Locksmith of Philadelphia," which, though indeed a simple story, yet nevertheless possesses in a degree the style and quality which have made the "Vicar of Wakefield" an immortal book. Had Howe taken





A VISIT TO HOWE

the editorial chair of the *Albion* instead of embarking in the anti-confederate campaign of 1867, he might have lived longer and had an opportunity of making contributions to literature which would have given him a not undistinguished place among the literary men of the age.

The writer spent an afternoon with Mr. Howe in the autumn of 1872, about six months before his death. Howe had been spending a fortnight at the house of his daughter, Mrs. Cathcart Thomson, on the shores of the North West Arm. As I entered the room I noticed he had three bundles of papers, one containing his poems, which have subsequently been published, another containing his fugitive prose writings, and another, much larger, his political correspondence with eminent men throughout the empire. He had been devoting most of his time to endeavouring to cull the most important of his papers from the great mass and classify them. He said that he had been devotedly fond of literary work throughout his life, and it was a matter of the keenest disappointment that his political duties had robbed him of the time essential to pursue his cherished aims. He hoped that by some good fortune leisure would soon be afforded him during which he could carry out his literary projects. The promised leisure came the following May, when he was appointed governor of Nova Scotia, but, alas, his health was broken, and but a short period was to be allotted to him for fulfilling these literary

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aims. This is a matter for sincere regret since a volume of Howe's reminiscences of men and things would have constituted as delightful reading as could well be imagined. His letters to his wife and members of his family, while absent from home, especially in the old country, are full of delightful descriptions of persons he was meeting and of interesting incidents, political and otherwise, which were occurring about him, but after all, these are not the passages from his letters which the world would cherish most, if indeed they were available for publication. The tone of tender affection for his family, and the devotion for Nova Scotia which breathes in them all would be the most splendid tributes to the great and noble soul from which they flowed.

CHAPTER XII

HOWE'S SOCIAL QUALITIES

IT is much easier to picture a great man in his public capacity, to report his speeches, to dramatize his actions, to reproduce his sentiments in relation to matters of public concern than it is to portray his personal characteristics in his every day life. In Mr. Howe's case, these constitute such an interesting and striking phase that one seems baffled in the attempt. A more delightful personality could scarcely be imagined. Although occupying prominent official positions most of his life, Howe was absolutely free from the conventional pose of an official personage. When not actively employed in public duties, (and no one led a busier life, made more speeches, wrote more articles, attended to more official routine,) he was not happy for long without congenial companionship. Did he leave the provincial secretary's office some afternoon at four, it was to seize upon a congenial friend and take a long ramble, telling stories, cracking jokes, or indulging in poetic outbursts ; or, again, seeing a good, fat, Irish ward-politician near, he would, in a most genial manner, take him by the arm and whisper that he was greatly perplexed with some important matter of public policy

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and was earnestly desirous of having his advice. He would then gravely unfold the situation and hold earnest converse with his Hibernian friend, luring him into precisely the view of the situation which he himself desired to adopt, and, finally, leave him with a warm pressure of the hand with the impression upon his mind that he was himself playing an important part in the government of the country and that Joe Howe was the boy who knew how to do things.

Picture a great Liberal demonstration held in one of the country districts of Nova Scotia to celebrate some electoral victory—large crowds gathered in a spacious field with baskets of provisions and little family picnics in all quarters. At last a team drives up with four spirited grey horses, decorated with the Liberal colours, and in a large and handsome carriage sit the Hon. Messrs. Young, Archibald, Annand, McCully, Weir and Howe. As they alight, the leading men gather round and are presented one by one to these distinguished statesmen. Messrs. Young, Archibald, etc., in a dignified posture, remain in a group to receive their friends and admirers in a manner befitting their high official station. Where is Howe? In an instant he is flying among the crowd, speaking to every woman he knows, probably calling her by her christian name. At one moment he has the charming Mrs. Smith upon his arm, perfectly happy to be thus honoured by the great Joe Howe, but in five

A TYPICAL SCENE

minutes he has reached Mrs. Brown, another admirer, and by some subtle process not quite easy to describe, Mrs. Brown is seen smiling and happy leaning upon Mr. Howe's arm, until, indeed, the delightful Mrs. Jones is seen, whereupon, by a similar process, Mrs. Jones is likewise revelling in the rapture of a stroll with Mr. Howe. The other dignitaries are entertained at luncheon in a special tent provided for this purpose. Is Howe there? Not a bit of it. He is lying on the ground taking his picnic with the Robinsons with an admiring circle from the other families gradually gathering about him. When the time for speaking arrives, the chairman is conducting Messrs. Young and company, in fitting form, to the platform, which has been erected and festooned for the occasion. Where is Howe? With a cigar in his mouth, flying about, arranging that all the best seats near the platform are filled with his lady friends, and this lasts until, finally, he is captured and himself conveyed to the platform and planted among the distinguished speakers. Solemn discussions of the great public questions ensue in speeches by Messrs. Young, Archibald and McCully, but when Joe Howe is upon his feet everybody is on the *qui vive* for they know that some delightful bit of humour will characterize his opening remarks, and then they look for an outburst upon the local scenery and historical memories of the place. When at last the period comes, when, throwing back his coat, he

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begins to dwell upon public affairs, the heart of every man, woman and child in the vast audience thrills with the magnetic home-made eloquence, which falls naturally and gracefully from his lips.

Again, fancy him entering one of the innumerable homes he was accustomed to frequent in his constant rambles over the province. The moment he was inside the door, he would fling his arm round the wife and salute her with a hearty kiss. If there were any grown up girls in the house, they were submitted to the same salutation. If, in their modesty, they ran away, they were chased and pursued until they were captured and kissed, and this was Howe's almost invariable custom for thirty years. Once in the family circle, all dignity was laid aside and every moment was occupied with delightful and entertaining conversation. He told stories to the children and entertained the grown ones by incidents of his travels, and anecdotes of every kind which had occurred during his varied experiences in the world.

In this way he became a domestic personality in hundreds, if not thousands of homes in Nova Scotia. Women were absolutely devoted to him, and taught their children to regard him as a hero. If death came to any household with which he was thus closely linked, there promptly came a beautiful letter from Howe (and who could write such letters?), full of sympathy and consolation. And these, we may be sure, were not written for dramatic effect,

AN AFFECTIONATE NATURE

but because his own heart was warm and his own great soul sympathized with sorrow in every form. His private correspondence with his wife and children reveals a warmth of affection and tenderness of soul rarely found in the correspondence of any of the world's heroes whose letters have seen the light.

To old men who had been associated with his early struggles, Howe was especially devoted. In his wanderings over the province he never passed by a house in which an old friend lived, without entering and talking to him in the most affectionate terms. In 1868 when he was travelling through the western part of Nova Scotia, he entered the house of an old man who had passed his eightieth year and was confined by age and infirmity to his easy chair by his fireside. He had been one of Howe's devoted friends in early days. Howe sat down beside him, talked in loving terms of their old associations, and on rising to leave him, kissed his furrowed cheek, down which could be seen rolling tears of affectionate and grateful appreciation. With such incidents as these, a matter of almost every day occurrence, is it any wonder that he became in a peculiar degree, and in a sense, quite different from that which pertains to the average public man, the idol and hero of thousands of Nova Scotians, became, indeed, a distinct figure in the public mind, and a living, breathing personality in the public imagination? Johnston, Young and

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Tupper could be mentioned with a fitting sense of provincial pride, and at a later date after confederation Sir John Macdonald, Blake, Mackenzie, Laurier and Thompson evoked the respect and admiration due to eminent men who were dedicating their lives and energies to the public service. But people thought of Joe Howe in a different sense. He was part and parcel of the daily life and thought of the people, woven into the very woof of their existence.

A bitter day came to many devoted friends of Mr. Howe in 1869, when, for reasons which have been amply set forth, he felt it necessary to accept confederation and take a seat in the government of Sir John Macdonald. The antipathy to confederation at that time was very intense. The method by which it had been forced upon the country in defiance of the popular will, had aggravated the bitterness, and coming so soon after the splendid victory of 1867, Howe's action bore the semblance, in the popular mind, of desertion and treason. The old veterans who had for thirty years fought under Howe's banners, and loved him as a brother, were forced, with bitterness of heart, to cast him from them as one who had betrayed their cause. In his goings to and fro in the province in the latter part of 1868, he was met by many cold looks, and some lifelong friends refused to give him their hand, and it can easily be imagined how keen and poignant would be the pain which this would cause

HOWE'S INFLUENCE

to a warm and sensitive nature. If there was one yearning desire ever present in Howe's heart, it was that he should maintain the love and confidence of his fellow-countrymen. In his speech at Windsor at the first meeting after he had taken office in 1869, he referred at the close of his address to the fact that it had been charged upon him that he had deserted his principles and entered the government from ambition. Throwing back his coat in the old familiar way, he uttered these passionate words:—

“Ambitious, am I? Well, gentlemen, I once had a little ambition. I was ambitious that Nova Scotia should have a free press and free responsible government. I fought for it and won it. Ambitious! am I? Well, gentlemen, an old man at my time of life can be supposed to have but little ambition. But, gentlemen, I have a little ambition, I am ambitious that when, in my declining years, I shall ride up and down the length and breadth of Nova Scotia, I may receive the same sympathy, confidence and love from her sons as in days gone by I received from their sires.”

No public man that ever lived in British America and few that have ever lived in the world, within the range and sphere in which they moved and acted, exercised such a far-reaching influence upon the people within the circle of their influence as Joe Howe. To his impulses may be traced the race of clever men whom Nova Scotia has contributed to the public life of Canada, and not alone to public

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life, but to the literary and intellectual life of the country. From the period at which Howe was at the zenith of his power until after his death a great number of the brighter Liberals were insensibly imitators of his style and manner. The familiar gestures which were so characteristic were seen reproducing themselves in many young men who were mounting the political platform and essaying to influence the world with their oratory. It is impossible to estimate the number of young men in Nova Scotia whose breasts were stirred to honourable ambition by the writings and speeches and the personal influence of Joseph Howe. When he left his party, if indeed his action can be so characterized, in 1869, some of those who had been his lifelong admirers and imitators were among those who went to Hants county to confront him on the platform during his campaign, and it was not far from ludicrous to see young lawyers, whose eloquence had been fashioned in Howe's school, actually hurling their thunder bolts at the old man's head, with gestures and intonations which had been aptly borrowed from their former hero. These small lights were seeking to destroy their old master by the inspiration which they had drawn from his breath.

Howe had an inordinate and undying love for the beautiful and picturesque, and as he went abroad in Nova Scotia, he sought in every way to inspire a taste for the æsthetic among the people.

LOVE OF NATURE

For trees especially he had a great love. It is related that on one occasion when passing along the road near Truro, he saw a farmer beginning to cut down a beautiful row of willows which grew by the roadside in front of his house. Howe was shocked, jumped from his carriage and expostulated. The farmer replied that he could sell them and he needed the money. Howe said: "What will you take to let them stand?"

"Oh, I suppose five pounds," answered the farmer, and Howe instantly drew from his purse the five pounds, and those who travel in the vicinity now can see to this day the beautiful row of trees still standing.

In religion, Howe was absolutely free from sectarian prejudices or denominational influence. His father belonged to a sect called Sandemanians, or Glassites, who held somewhat peculiar views, accepting the Bible as final authority, but being utterly opposed to an established church and a paid clergy. A small knot of these men, of whom Mr. John Howe was one of the leaders, used to gather together on Sundays for worship, and so strong was Mr. John Howe's prejudice against a paid clergy that, although naturally a man of generous instincts, he would refuse to remain in the same room with a salaried clergyman. As the result of his father's lack of denominational affiliations, Howe never united himself with any religious body nor could he be reckoned as an adherent of

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any particular religious sect. He was, nevertheless, a man of strong religious feelings. No man in his day studied the Bible more thoroughly and carefully than he, and he constantly expressed the opinion that its literature was among the finest and its truths the most sublime. Quotations from the Scriptures are found inwoven into his public utterances on all occasions. Howe's habit of going to the country and actually living in the fields for a week or ten days has been already mentioned. One of the places which he thus frequented was the house of a coloured couple named Deers, at Preston. One evening a Baptist minister happened to arrive at the Deers's house to remain all night. He details the fact that during the evening he got into free conversation with Howe and when the time came for bed the latter informed him that he had made a practice during his whole life of reading a passage from the Scriptures before going to bed. He got down the Bible for this purpose, and after he had finished reading, asked the minister to engage in prayer. But it is proper to add that Howe bore no general character for piety during his active political life. On the contrary, his duties brought him in contact with ward politicians and his convivial nature brought him boon companions at the festive board, and his reputation was that of a jolly good fellow. Those only who knew him intimately were able to appreciate the strong under-current of religious feeling which pervaded his

INTELLECTUAL INTERESTS

nature. During his life he usually went to church wherever he was, and it mattered to him not in the slightest degree whether the service was Roman Catholic, Episcopalian, Presbyterian, Baptist or Methodist. Mrs. Howe belonged to the Presbyterian faith and in Halifax Mr. Howe frequently attended church with her.

Howe was constantly endeavouring in Halifax to keep up some sort of interest in intellectual matters. It was very considerably by his personal influence that the Mechanics' Institute became a permanent and useful institution in the city, maintaining a course of lectures and literary discussions. Howe himself was a frequent contributor to the lecture course and a constant attendant of the other lectures, frequently moving the vote of thanks and imparting new life to the discussion by his happy observations. It is related that on one occasion when Mr. George R. Young had lectured before the institute, Mr. Howe, in the course of the general discussion which followed, made some remarks in a spirit of banter touching certain features of the lecture, which were not altogether pleasing to Mr. Young, who, in responding to the vote of thanks which had been accorded him, took occasion to say that he did not come to such occasions with stale jokes bottled up in his breeches' pocket; to which Mr. Howe on the instant remarked that no one was in a position to state what jokes Mr. Young carried bottled in his breeches' pocket,

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but all could bear testimony to the fact that *he never drew the cork!*

Mr. Howe had ten children, of whom only two, Mr. Sydenham Howe and Mrs. Cathcart Thomson, are now living.

CHAPTER XIII

CONCLUSION

AS has been stated, broken in health, and yet buoyant and hopeful, Howe was appointed governor of Nova Scotia in May, 1873. In a letter to a friend, written shortly before leaving Ottawa, he says:—

“The governorship I never had a doubt would be offered to me by my colleagues, nor did I ever distrust the widespread confidence and affection of my fellow-countrymen. What was very doubtful when I saw you in the autumn was whether I should live through the winter and be in any condition to discharge any official duties in the spring. Thanks to a kind providence, the doubt so far has been given in my favour. I have gone through three of the worst months of the winter without any serious recurrence of the dangerous symptoms which imperilled my life last year. We have still two months of winter to pass through, but thanks to my Boston physician, I know what to do if anything goes wrong, which, at present, I do not apprehend. Of course, no appointment will be made until General Doyle’s retirement, but, should I live, you will see me down in time to take the chair if it is vacant. There may be a little

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knot of people opposed to my appointment, but there is hardly one of them that does not know in his inmost soul that I have fairly earned the promotion by forty years of public service. What some of them are afraid of is that I will violate my own principles by treating them unfairly and pay them off for a good deal of gratuitous treachery and abuse. They will probably be mistaken in this as in everything else. No offer has ever been made to me of imperial favours. Certainly no honorary distinctions have ever been sought by me or desired."

Howe did not misjudge the attitude of some of the more bitter of the repealers, who, while most persons called and paid their customary respects at government house, on his appointment, remained away as a token of their displeasure at his alleged desertion of the repeal cause.

The days were quietly spent. Howe had hoped that the leisure which the governorship would afford him would enable him to devote some time towards gathering together his literary work, and to publish a record of his striking reminiscences. But this expectation was doomed to disappointment. June had just been ushered in, with its unfolding leaves and early blossoms, when suddenly the city was startled with the announcement that Joseph Howe was dead. Quickly the word was flashed over the province, and nothing could have been more touching or could illustrate more fully the supreme place which he occupied in the hearts

NEWS OF HIS DEATH

of the people than the tokens of profound grief and almost awe with which the news of his death was heard. Plain farmers in remote rural districts bowed in silence when told that Joseph Howe was dead. It was not because he occupied a position which would make his death precipitate a crisis ; he was not holding any place of power. For the previous four years he had not been conspicuously in the public eye, but he remained at all times enthroned in the hearts of his countrymen. Nor, indeed, was the feeling evoked that which ordinarily follows the death of a conspicuous and highly esteemed public man. It was rather the loss of a personality who had for more than a generation been associated with the everyday life and thought of the people of Nova Scotia. He had moulded to an enormous degree the thoughts and sentiments of the people. He was a living entity that had charmed them in every form and on a hundred different occasions. Scarcely a commonplace word had ever fallen from his lips. On whatsoever theme or occasion he spoke or wrote, the subject at once became illumined with a splendid imagination and a glowing warmth of soul which touched the heart at the same time that it captivated the intellect.

His funeral was attended by an immense concourse of people. His wife being a Presbyterian, the services were conducted by the pastor of one of the Presbyterian churches. Twenty thousand people lined the streets through which were carried the

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last mortal remains of Joseph Howe to repose in Camp Hill cemetery. His family, although possessing little wealth, erected a modest monument of plain Nova Scotia granite. The remains of lesser men than he have been deposited in Westminster Abbey, but it is fitting that the hero of popular rights should mingle his dust with the commonest of his countrymen. Thirty years have passed by and no statue has been erected by his countrymen to immortalize his splendid career. Efforts have been made in this direction, but people who would willingly contribute to a monument for a champion oarsman have been backward in subscribing to a statue for the greatest Nova Scotian. At the last session of the Nova Scotia legislature the sum of ten thousand dollars was unanimously voted for this purpose, and a commission has been appointed to secure its erection at the south end of the provincial building and in view of the provincial secretary's office, in which for years he sat and laboured and wrote. It must be mentioned to the credit of the present provincial government of Nova Scotia that some years before the death of Howe's widow they voted her an annual pension of five hundred dollars. When his qualities are understood, when his great labours and achievements are appreciated throughout the Dominion, it is not unlikely that a statue not less imposing than any now standing, will be erected to perpetuate his name on Parliament Hill at Ottawa.

HIS WORK

Comparisons are unpleasant and generally needless. Viewing his forty years of public service justly and having regard to his speeches, his writings and his achievements, what other of the great men that British America has produced can be fairly placed in comparison with him ? He did not attain such an eminent place in the public life of the Dominion as Sir John A. Macdonald, nor, perhaps, would he have been able, under similar conditions, to have guided the ship of state with the same consummate skill amid the various difficulties which surrounded the initial stages of welding together the somewhat heterogeneous elements which went to compose the Canadian confederation. Let due credit be given to each man in his own sphere for his special gifts and achievements, but among the gifted men whom British North America has produced, we cannot name one who has left behind such a body of political literature dealing so luminously with every great question which concerns both Canada and the empire, as remains to the perpetual credit of Joseph Howe. Nay, without presumption, may it not be fairly asked what British statesman that has lived and acted within the past sixty years has contributed as much to the solution of these great empire-reaching questions as can be found in the recorded utterances of Joseph Howe ? Where among his contemporaries can be found a man who could throw such flashes of imagination upon every subject with which he attempted to deal, in

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the whole volume of whose writings and speeches scarcely a dull word or commonplace expression can be found? Who dreamed such dreams of his country's ultimate greatness and power? Who drew such mighty pictures of the possibilities pertaining to a union of the British races of all parts of the globe into one great empire? Where will we look in our country's history for such a striking personality that could captivate senates by his skill and eloquence, masses by his magnetic power, and intellectual bodies by his unrivalled powers of mind? In an age of timid opportunism he exhibited daily the qualities of a hero. He had the courage to leave the conventional ruts in which most public men are content to plod and to strike out into new fields, to brave dangers from which the average public man shrinks. Alone and almost single-handed he faced the power of a well intrenched autocracy in Nova Scotia, destroyed their power and gave his countrymen the boon of self-government. He was the foremost expounder and the greatest teacher of the true principles of colonial government of his age, and his great thoughts penetrated the cobwebs of official routine which surrounded the colonial office in Downing Street and gave birth to larger and better views.

Circumstances have much to do with a man's ultimate place in history. The same genius which could successfully manage the affairs of a province might suffice to manage successfully the affairs of an

SUBSEQUENT EVENTS

empire, and he who works in a small sphere may have a small place in history beside the man to whom fortune has consigned the larger arena. Most of Howe's life was spent in ministering to the well-being of a province that at his death numbered scarcely four hundred thousand souls. He lived to see the Canadian confederation launched, but at a period when it was too late for him to achieve the first position in it or to recognize the fruition of those splendid dreams which his imagination never failed to create. Thirty years have passed since he was laid at rest, and it is not too much to say that no one of the great ones who are permitted to participate in the vast expansion and development of this Dominion would have felt greater joy and pride in the realization than would Joseph Howe. To have British power established from the Atlantic to the Pacific in North America, to convert wildernesses into centres of industry and progress, to plant cities on plains where nothing but bears and buffaloes roamed, and to have great railway lines unlocking the resources of vast undiscovered territory were glorious visions which ever filled the heart of Joseph Howe. But to all these great hopes he, rightly or wrongly, as time will show, preserved the ideal of a united empire which has not yet been realized.

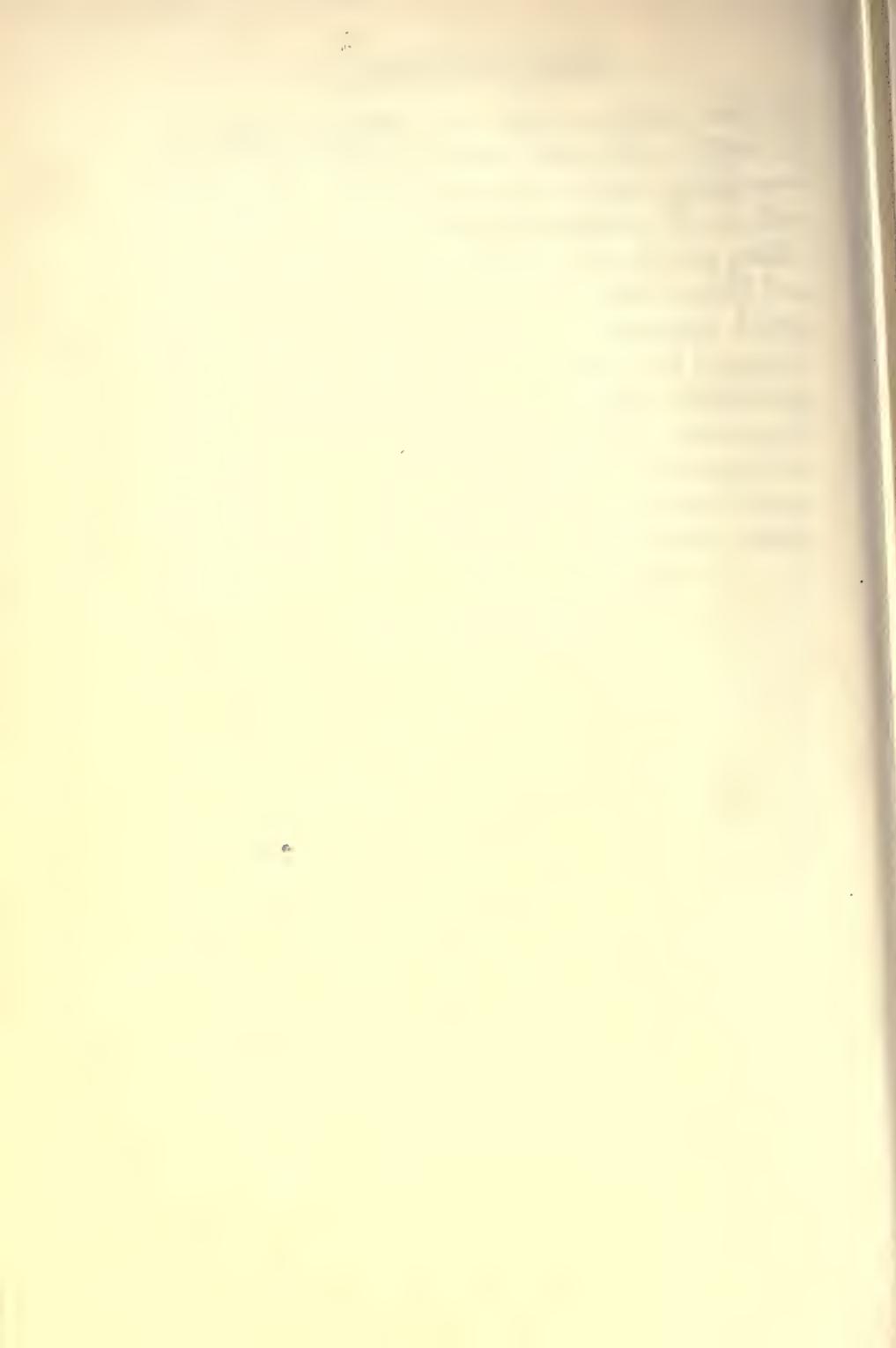
No one can estimate too highly the worth and value of a great man :—

“Canst thou bind the sweet influences of Pleiades, or
loose the bands of Orion?”

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His great thoughts, his heroic actions and his mighty achievements are not alone the heritage of his country, but the inspiration of the young men who are to carry forward its destinies. Every forward step which humanity has taken in the political, in the religious, scientific or social world has been under the guidance of some superior being who has, amid difficulty and danger, led the way. When Canada has achieved, as it is fast achieving, a recognized place among the puissant nations of the world, and the British empire has attained the dominance due to union and enlightened virtue, Joseph Howe will occupy a conspicuous niche among the authors and heroes of its glory.

APPENDICES



APPENDIX "A"

THE TWELVE RESOLUTIONS

1. RESOLVED, that a committee be appointed to draw up an address to His Majesty to embrace the substance of the following resolutions:—

2. Resolved, that in the infancy of this colony its whole government was necessarily vested in a governor and council; and even after a representative assembly was granted, the practice of choosing members of council exclusively from among the heads of departments, and persons resident in the capital, was still pursued; and, with a single exception, has been continued down to the present time. That the practical effects of this system have been in the highest degree injurious to the best interests of the country; inasmuch as one entire branch of the legislature has generally been composed of men who, from the want of local knowledge and experience, were not qualified to decide upon the wants or just claims of distant portions of the province, by which the efforts of the representative branch were, in many instances, neutralized or rendered of no avail; and of others, who had a direct interest in thwarting the views of the assembly, whenever it attempted to carry economy and improvement into the departments under their control.

3. Resolved, that among the many proofs that might be adduced of the evils arising from this imperfect structure of the upper branch, it is only necessary to refer to the unsuccessful efforts of the

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assembly to extend to the outports the advantages of foreign trade; to the enormous sum which it was compelled, after a long struggle, to resign for the support of the customs establishment; to the difficulties thrown in the way of a just and liberal system of education; and to the recent abortive attempts to abolish the illegal and unnecessary fees taken by the judges of the supreme court.

4. Resolved, that while the population of this province is composed, as appears by the last census, taken in 1827, of twenty-eight thousand six hundred and fifty-nine members of the Episcopal Church, and one hundred and fifteen thousand one hundred and ninety-five Dissenters, which proportions may be assumed as fair at the present time, the appointments to the council are always studiously arranged so as to secure to the members of the church embracing but one-fifth of the population, a clear and decided majority at the board. That there are now in that body eight members representing the church; that the Presbyterians, who outnumber them by about nine thousand, have but three; the Catholics, who are nearly equal, have but one; while the Baptists, amounting, by the census of 1827, to nineteen thousand seven hundred and ninety, and the Methodists to nine thousand four hundred and ninety-eight, and all the other sects and denominations, are entirely unrepresented and shut out from influence in a body whose duty it is to legislate for all.

5. Resolved, that while the Catholic bishop has no seat at the council board, and while clergymen of all other denominations are, as they ought to be, carefully excluded, the bishop of the Episcopal Church always has been and still is a member.

APPENDIX "A"

6. Resolved, that while Dissenters, as they have a right to, justly complain of a state of things so exclusive and insulting, they would regard its continuance with more indifference if it did not lead to a general and injurious system of favouritism and monopoly, extending throughout almost every department of the public service over which the local government have control; thereby vesting in the hands of a part of the population the resources arising from the industry of the whole, and creating invidious distinctions and jealous discontent in the minds of large numbers of His Majesty's loyal subjects.

7. Resolved, that two family connections embrace five members of the council; that, until very recently, when two of them retired from the firm, five others were co-partners in one mercantile concern; and to this circumstance may be attributed the failure of the efforts of this assembly to fix a standard of value, and establish a sound currency in the province.

8. Resolved, that the assembly of this province have for years asserted, and still most respectfully assert, their right to control and distribute the casual and territorial revenues of the country, whether arising from the fees of office, the sale of lands, or the royalty paid upon the produce of the mines. But this House regret that hitherto their efforts to obtain justice in this respect have been unsuccessful. The lands of the province are, in effect, mortgaged to pay to the commissioner a salary out of all proportion to the services he is called on to perform; while all the mines and minerals of the province have been leased for sixty years to a wealthy English company, without the consent of

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and independent of all control by the representatives of the people.

9. Resolved that apart from the mere question of judges' fees, which this House has pronounced, and still believes to be, unconstitutional and illegal, the presence of the chief justice at the council board is unwise and injurious, having a tendency to lessen the respect which the people ought to feel for the courts over which he presides. From the warm interest he has always manifested in public questions, and particularly in some of those in which the representative branch and His Majesty's council have been diametrically opposed, and from the influence which his position gives him over a numerous bar, he has generally been regarded as the head of a political party; and frequently been brought into violent conflict with a people imbued with the truly British idea that judges ought not to mingle in the heats and contentions of polities.

10. Resolved, that the evils arising from the structure of His Majesty's council, and the disposition evinced by some of its members to protect their own interests and emoluments at the expense of the public, are heightened and rendered more injurious by the unconstitutional and insulting practice, still "pertinaciously adhered to" by that body, of shutting out the people from their deliberations. This practice they still maintain, although it is opposed to that of the House of Lords in England and that of the legislative councils of Lower Canada, New Brunswick, Prince Edward Island, and Newfoundland; and notwithstanding the murmurs and complaints of the people for a long series of years and the repeated representations and remonstrances of this assembly.

APPENDIX "A"

11. Resolved, that while the House has a due reverence for British institutions and a desire to preserve to themselves and their children the advantages of that constitution under which their brethren on the other side of the Atlantic have enjoyed so much prosperity and happiness, they cannot but feel that those they represent participate but slightly in these blessings. They know that the spirit of that constitution—the genius of those institutions—is complete responsibility to the people, by whose resources and for whose benefit they are maintained. But sad experience has taught them that, in this colony, the people and their representatives are powerless, exercising upon the local government very little influence, and possessing no effectual control. In England, the people, by one vote of their representatives, can change the ministry, and alter any course of policy injurious to their interests; here the ministry are His Majesty's council, combining legislative, judicial, and executive powers, holding their seats for life, and treating with contempt or indifference the wishes of the people, and the representations of the Commons. In England, the representative branch can compel a redress of grievances, by withholding the supplies; here they have no such remedy, because the salaries of nearly all the public officers being provided for by permanent laws, or paid out of the casual and territorial revenues, or from the produce of duties collected under imperial acts, a stoppage of supplies, while it inflicted great injury upon the country, by leaving the roads, bridges, and other essential services unprovided for, would not touch the emoluments of the heads of departments in the council, or of any

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but a few of the subordinate officers of the government.

12. Resolved, that as a remedy for these grievances, His Majesty be implored to take such steps, either by granting an elective legislative council, or by such other reconstruction of the local government as will insure responsibility to the Commons, and confer upon the people of this province what they value above all other possessions—the blessings of the British constitution.

APPENDIX "B"

MR. HOWE did not approve of the Pacific Railway policy of the government in 1872, which led to defeat in 1873. He was in no way mixed up with the election scandals of 1872, because while they were in progress he was in the United States under medical treatment. He was returned for Hants by acclamation in his absence. But on his return in the autumn he became dissatisfied with the policy, and although old and without means, he refused to give his sanction. He promptly wrote the following to Sir John:—

"Ottawa, December 6th, 1872. My dear Sir John:—After a night of anxious consideration of the scheme of railway policy developed by Sir Hugh Allan and his friends yesterday, and apparently acquiesced in by my colleagues, I have come to the conclusion that I cannot defend that scheme or be a party to arrangements which I believe will be a surprise to parliament and the country, and fraught with consequences deeply injurious to the best interests of the Dominion. I shall as rapidly as possible put upon paper the views I entertain of the measure as presented, and of the policy that ought to be pursued, and hope to be able to place them in your hands in the course of the afternoon. I regret sincerely the separation from old friends which this divergence of opinion must necessarily involve, but I apprehend it cannot be avoided, and am quite prepared to make the sacrifice rather than throw over for the sake of office my conscientious

JOSEPH HOWE

convictions. Believe me, my dear Sir John, Yours sincerely, (Sgd.) JOSEPH HOWE."

Sir John could not afford to allow a resignation on such an issue, and instantly sent Howe the following note:—

"(Confidential.) December 6th, 1872. My dear Howe:—I have talked matters over with our colleagues and they desire to meet your views as much as possible. You need not prepare your paper, and I will be glad to see you in the morning. Yours always, (Sgd.) John A. Macdonald."

Matters were arranged in some way to satisfy Mr. Howe, for he remained in the government until May, 1873.

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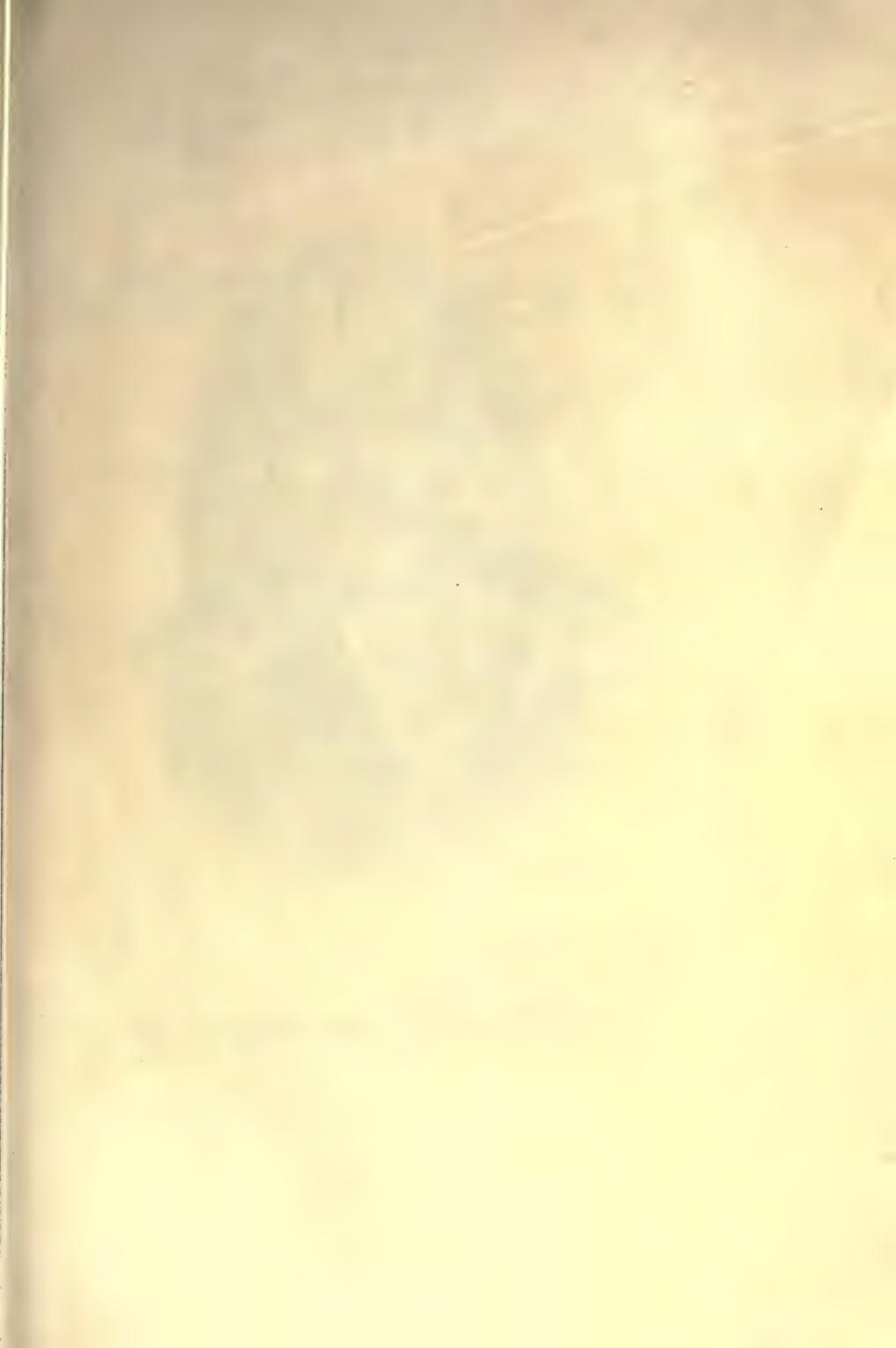
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CHAPTER I

ANCESTRY AND EARLY LIFE

THE contest for responsible government which was carried on in all the provinces of British North America for so many years resembled in some of its features a modern battle, where the field of operations is so wide that it is impossible for a general to cover it with his eye or to keep control of all the movements of his subordinates. In such a case, everything depends on the ability of the generals who command the different army corps, who, operating in remote parts of the field, must take the responsibility of success or failure. The two Canadas were so far removed from New Brunswick, and the means of communication were so poor, that there was but little help, even in the way of suggestion, to be expected from them, while the contest for responsible government was being carried on. Even the efforts in the same direction which were being made in the province of Nova Scotia had but little influence on the course of events in New Brunswick, for each province had its own particular grievances and its own separate interests. Thus it happened that the battle for responsible government in New Brunswick was fought, to a large extent, without reference to

LEMUEL ALLAN WILMOT

what was being done in the other provinces which now form the Dominion of Canada, and the leaders of the movement had to be guided by the peculiar local circumstances of the situation. Still, there is no doubt that the efforts of all the provinces, directed to the same ends, were mutually helpful and made the victory more easily won.

Among the men who took a part in the contest for responsible government in New Brunswick, Lemuel Allan Wilmot undoubtedly held the foremost place, not only by reason of the ability with which he advocated the cause, but from the trust which the people had in him, which made him a natural leader and the proper exponent of their views. There were, indeed, men working in the same field before his time, but it was his happy fortune to witness the fruit of his labours to give the province a better form of government, and to bring its constitution into line with the system which prevailed in the mother country. He not only viewed the land of promise from afar, but he entered into it, and he became the first native lieutenant-governor of the province,—a result which even he, sanguine as he was, could hardly have contemplated when he began his career as a public man.

Lemuel Allan Wilmot was born in the county of Sunbury, on the banks of the St. John River, on January 31st, 1809. He was the son of William

THE WILMOT FAMILY

Wilmot, a respectable merchant and lumberman, who was in partnership with William Peters, grandfather of Sir Leonard Tilley. William Wilmot was the son of Lemuel Wilmot, a Loyalist, who was a resident of Poughkeepsie, New York, at the beginning of the Revolution. He (Lemuel) raised a company of soldiers for the service of the king, and became a captain in the Loyal American Regiment which was commanded by Beverley Robinson, serving in that corps during the war. At the peace, he came to New Brunswick and settled in Sunbury County on the river St. John. The Wilmots were a respectable English family, and the first of the name in America was Benjamin Wilmot, who was born in England in 1589 and came to America with his wife Ann, probably prior to 1640. He was one of the early settlers of New Haven, Connecticut, and the records of that colony show that he took the oaths of fidelity at a court held on May 2d, 1648. He died in 1669. His son William, who was born in 1632, was probably also a native of England. He married Sarah Thomas in 1658, and died in 1689.

Thomas Wilmot, his son, was born in 1679. He married Mary Lines, and their son Ezekiel was born in 1708. Ezekiel Wilmot and his wife Beulah were the parents of Lemuel, who was born in 1743. Lemuel Wilmot married Elizabeth Street, and William, the father of the subject of this biography, was their son. William Wilmot married Hannah

LEMUEL ALLAN WILMOT

Bliss, a daughter of the Hon. Daniel Bliss, a Massachusetts Loyalist, who became a member of the council of New Brunswick and was the father of John Murray Bliss, one of the judges of the supreme court of that province. His grandfather was Colonel John Murray, a Massachusetts Loyalist, who was for many years a member of the general court of that colony and who became a mandamus councillor. It will thus be seen that Lemuel Wilmot came from the best New England stock, and that his connections were highly respectable and even distinguished. He was proud of his New England descent, and claimed the usual ancestor from among the passengers of the *Mayflower* who landed at Plymouth in 1620. If this claim is correct, his descent from the Pilgrim Fathers must have been through the female line, and no record of it has been preserved. The matter is not of much consequence at the present day, for the Wilmots have made a record in their province far more distinguished than that which they won in New England, for they have given to New Brunswick five members of the legislature, a senator and member of the House of Commons of Canada, two members of the executive of New Brunswick, and one of the privy council of Canada, an attorney-general and a provincial secretary of New Brunswick and two lieutenant-governors.

The system of government which existed in all the British North American colonies at the time

LIEUTENANT - GOVERNOR CARLETON

when L. A. Wilmot was born was practically the same. New Brunswick had been separated from Nova Scotia in 1784, and, in the autumn of that year, its first governor was sent out in the person of Thomas Carleton, a brother of Sir Guy Carleton. Thomas Carleton had been an officer in one of the regiments which fought during the War of the Revolution, but he was in no way distinguished, and had no special qualifications for the position he was called upon to fill. That fact, however, did not concern the persons in England who appointed him. In those days, fitness or ability had very little to do with colonial appointments. Carleton continued to fill the office of governor and lieutenant-governor until his death in 1817; but for the last fourteen years of his term he resided in England, and the duties of his office were performed by a succession of administrators under the name of presidents. To assist him in his deliberations, Carleton had a council of twelve members, who were appointed by the Crown and were therefore wholly under the influence of the governor and the authorities in England. In 1809, its number had been reduced to ten, and it was composed of the four judges of the supreme court, the provincial secretary and the surveyor-general, who held their offices for life, and four other persons. This council, in addition to its executive functions, also sat as the upper branch of the legislature, and, besides being wholly irresponsible except to the governor, it sat with closed doors,

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so that the public had no opportunity of knowing what was being done. It was not until the year 1833 that any portion of the journals of the legislative council was published.

The House of Assembly consisted of members chosen by the freeholders of the several counties and the freeholders and freemen of the city of St. John. This House was able to exert but a limited influence on the government of the country, for all authority was vested in the lieutenant-governor and he was able to act in a manner quite independent of the legislature. All the appointments to office were in his hands, and they were made in many cases even without the knowledge of his council. In England, even under the most despotic kings, parliament was always able to curb the power of the Crown by refusing to grant supplies; but this check did not exist in New Brunswick, or in the other colonies of British North America at that time, because the governor had sources of revenue quite independent of the legislature. The British government maintained a customs establishment in the colonies, which levied duties on all merchandise imported, and over which the legislature had no control. The British government also retained the revenues arising from the Crown lands of the province, and these revenues the governor expended as he pleased. The House of Assembly, therefore, might refuse to vote supplies; but the governor could go on without them, and the only effect of such a procedure was

THE CHURCH OF ENGLAND

to injure its own officials, and to deprive the people of the money which was expended on roads and bridges.

Another feature of the system of government in New Brunswick was the predominant influence it gave to the members of the Church of England. Every member of the council of the province belonged to that denomination, and it was not until the year 1817 that any person who was not an adherent of the Church of England was appointed to the council. This exception was William Pagan, a member of the Church of Scotland, and his was a solitary instance because up to the year 1833, when the old council was abolished, all its other members were adherents of the Church of England. The same rule prevailed with respect to all the great offices in the gift of the Crown. All the judges of the supreme court for the first sixty-seven years of the existence of the province were members of the Church of England. L. A. Wilmot, who became attorney-general in 1848, was the first person not a member of the Church of England who filled that office, and he was the first judge not a member of that Church who sat on the bench of New Brunswick.

For some time after the foundation of the province, the salaries of the Church of England clergymen were paid by the British government, and large grants of land were made for the purpose of supporting the churches. In addition to this, financial

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assistance was given to them in erecting their places of worship. No dissenting minister was allowed to perform the marriage ceremony, that privilege being confined to clergymen of the Church of England, the Church of Scotland, the Quakers and the Church of Rome. This was felt to be a very serious grievance, and, needless to say, produced a great deal of inconvenience.

Another grievance was the fact that the great offices were held by members of certain favoured families. These families, from their social position and in some cases from their wealth, had the ear of the governor, or of the authorities in England, and were able to obtain and hold all the valuable places. The two Odells, father and son, held the office of provincial secretary for sixty years. The Chipmans were another favoured family, both the father and son being successively judges of the supreme court, and the former receiving large sums from the British government as one of the commissioners who settled the boundary between Maine and New Brunswick. One of the greatest offices in the province—that of the surveyor-general—was held by one person for thirty-three years, and this individual was in no sense responsible to any authority in New Brunswick except the governor. Those in power at that day were very fond of expatiating on the glories of the British constitution and the privileges the people enjoyed under it. But nothing less like the British constitution can be imagined than

THE OFFICIAL CLASSES

the system which then prevailed in the British North American colonies.

One feature which is not to be lost sight of in considering the political condition of the province at that time is the social element. The distinctions between the upper classes and others was then far more marked than it is at present. The officials and the professional men formed a class by themselves, and looked with contempt upon those who were engaged in business. The salaries of the government officials were then three or four times as large as they are at present, and they kept up a corresponding degree of state which others were not in a position to imitate. This assumption of superiority was carried out in all the relations of life, and the sons of those who occupied an inferior station were made to feel their position keenly. This was the case with Lemuel Allan Wilmot, for, although his family was as good as any in the provinces, he was the son of a man who was engaged in business and who was not only a Dissenter but was actually a preacher in the denomination to which he belonged. No doubt the insults which the son received from those who claimed to occupy a higher station had a good deal to do with his zeal for the cause of Reform, and influenced his future career to a considerable extent.

William Wilmot, although he afterwards failed in business, was in prosperous circumstances when his son Lemuel was born. He was a Baptist and

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was one of the original members of the Baptist Church at Canning, in Queens County, which was founded in 1800. On Christmas Day, 1813, William Wilmot and nine others received their dismissal from the Canning Church for the purpose of founding a Baptist Church in Fredericton. Wilmot was a local preacher and used his gift of eloquence in that way. He also aspired to legislative distinction, and was elected a member of the House of Assembly for the county of Sunbury in 1816. He was an unsuccessful candidate for the same seat in 1819, and again in 1820. At the general election of 1827 he ran for the county of York, to which he had removed several years before, but was again defeated. This was his last attempt to become a member of the House of Assembly. His loss of three elections out of four had certainly been discouraging, and was in singular contrast to the fortune of his distinguished son, who never experienced a defeat.

Lemuel Wilmot's mother died when he was only eighteen months old, so that he never knew a mother's love or a mother's care. But his father early recognized his youthful promise, and gave him all the educational advantages then available. He became a pupil at the College of New Brunswick, which was situated in Fredericton, of which the Rev. Dr. Somerville was the president and sole professor. This college was in fact merely a grammar school, but Wilmot acquired there some

AS A LAW STUDENT

knowledge of the classics. However, his scholastic career was not prolonged, for in June, 1825, he entered as a student-at-law with Charles S. Putnam, a leading barrister of Fredericton. He was admitted an attorney of the supreme court in July, 1830, and a barrister two years later. He was then twenty-three years of age.

The men who were contemporaries of Mr. Wilmot as a youth are all dead, and not many anecdotes of his career as a student have been handed down to us. Being of an ardent and ambitious disposition, he took a keen interest in the stirring events that were being enacted around him; for it was a time of great political excitement, and the business troubles of the province increased the difficulties of its inhabitants. In 1825, all the lumbermen in the province were ruined, and the bad management of the Crown lands office which had added to the business difficulties became more than a political question, for by cramping its leading industry it affected the prosperity of every man in New Brunswick. It was then that young Wilmot resolved to enter upon a political career and to do what he could to redress the wrongs from which the people were suffering. Strange to say, at this time he, who afterwards became most eloquent, had an impediment in his speech, which it took much labour to overcome. To improve his knowledge of French, he spent some months with a French family in Madawaska, among the de-

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scendants of the ancient Acadians. In this way he acquired a colloquial knowledge of that language.

Wilmot's ambition was to become a public man and to assist in the reformation of the constitution of his native province. He enjoyed many advantages for the rôle he had undertaken. He was tall, his height being upwards of six feet, well proportioned, handsome and striking in his features, and he possessed a voice of great strength and sweetness. He was proficient in all athletic exercises, and took an interest in all those movements which commend themselves to young men of enterprise and force of character. He was a lieutenant in the first battalion of the York County Militia when he was only eighteen years of age, and his devotion to the militia force continued until the end of his life. Possessed as he was of all the elements which make men popular and prominent, he was early marked for advancement in the field that he had chosen for the exercise of his talents.

CHAPTER II

EARLY EFFORTS FOR REFORM

THE agitation for an improvement in the constitution of New Brunswick began long before L. A. Wilmot was born. The first man who took a prominent stand for reform in the legislature was Mr. James Glenie, a member for the county of Sunbury from 1792 to 1809. Mr. Glenie, who was a Scotchman and a man of much ability, had been an officer in the Royal Engineers during the Revolutionary War. His efforts to obtain reforms were met by the friends of the governor, Mr. Carleton, with the most violent opposition. He was denounced as an incendiary, and indeed there was hardly a limit to the fierceness with which he was attacked for attempting to bring about an improvement in the system of government. The old Family Compact and their friends were ever ready to tell the public how loyal they were, and to denounce as a traitor any person who presumed to object to the existing state of things. Mr. Glenie was not able to effect anything substantial for the improvement of the constitution, because the time was not ripe for the changes he proposed. England itself was suffering at that time from a relapse from true constitutional methods, so it was not to be ex-

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pected that much attention would be paid to complaints which came from a remote province of North America.

The cause of Reform would not have been nearly so well supported as it was, had it not been for the fact that the abuses which existed touched the self-interest of many persons who were by no means Reformers at heart, and who in fact cared nothing about responsible government. The first successful attack which was made on the existing order of things was with regard to the fees charged on land grants. These fees went to the various officials, including the governor, and it was shown that on a lot of land not exceeding three hundred acres, the enormous sum of forty-seven dollars was charged as fees, while on a lot of one thousand acres to ten grantees, the fees amounted to about two hundred dollars. The reader will be able to understand from these figures how it was that the officials of the government were able to live in such princely style. This evil was remedied by permission being obtained from the colonial secretary to include a large number of grantees in one grant.

Another grievance which was attacked long before Mr. Wilmot entered public life was the law which related to the performance of the marriage ceremony. At that time the only clerical persons authorized to solemnize marriages were the clergymen of the Church of England, ministers of the Kirk of Scotland, Quakers, and priests of the

THE MARRIAGE QUESTION

Roman Catholic Church. This was felt to be an intolerable grievance, because it prevented Methodists, Baptists and all Presbyterians except those connected with the Church of Scotland from being married by their own ministers. In 1821 a bill was passed in the House of Assembly authorizing all ministers of the Gospel to solemnize marriages. This was rejected by the council, a fate which befell many subsequent bills of the same kind. For several years the House of Assembly continued to pass the Dissenters' Marriage Bill, and the council as steadily rejected it. Finally, in 1831, the House of Assembly concluded that nothing would serve to bring about the reform asked for but a petition to the king, and accordingly a petition was prepared in which the facts were set forth and His Majesty was asked to give instructions to the administrator of the government to recommend the legislature to pass a bill extending the privilege of solemnizing marriages to all regularly ordained clergymen of dissenting congregations in New Brunswick. In 1832, a bill was passed by both Houses carrying out these views. It contained a suspending clause, however, which prevented it from going into operation until approved by His Majesty. It was thought that this would settle the question, but in 1834 a despatch was received from His Majesty's secretary of state for the colonies in which it was announced that the royal assent had been withheld on the ground that the Act was

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confined in its operation to four denominations of Christians,—the Wesleyan Methodists, the Baptists, the Presbyterian seceders from the Church of Scotland, and the Independents. It appeared, therefore, that the Act had been disallowed because it was not liberal enough, but this defect was speedily remedied by the passage of another bill during the session of 1834 in the terms suggested by the colonial secretary, and the Dissenters' Marriage Question was thus settled.

It has already been stated that the British government continued to maintain a custom-house establishment in New Brunswick, and to impose duties on goods imported into the province. These duties, which were levied for the regulation of trade, were disposed of by the British government and by the lieutenant-governor of the province with little reference to the wishes of the legislature. The old restrictive system which placed shackles on trade was modified by two Acts passed by the imperial parliament in 1822, under which the importation of provisions, lumber, cattle, tobacco and other articles from any foreign country in North and South America and the West Indies, into ports of British North America and the British West Indies, was allowed under a fixed scale of duty, and a free export was allowed to goods going from all our ports to these countries. The importation of the productions of foreign countries in Europe into the ports of British North America was also

IMPERIAL CUSTOM DUTIES

permitted, and a schedule of duties annexed. Under these Acts it was provided that the duties on both imports and exports were to be collected by the imperial officers of customs, and the net revenue thus obtained was to be placed at the disposal of the colonial treasuries. This arrangement was a decided gain to New Brunswick, because, for the first time, it placed nearly all the revenue collected by the imperial officers under the control of the legislature.

The Acts of the imperial parliament, 6th George IV., Chapters 73 and 114, went still farther in the way of removing restrictions from colonial trade. These Acts provided that the duties imposed under them should be paid by the collector of customs into the hands of the treasurer or receiver-general of the colony, to be applied to such uses as were directed by the local legislature of such colony, exception being made in regard to the produce of duties payable to His Majesty, under any Act passed prior to the eighteenth year of his late Majesty, George III. This exception is important for the purpose of illustrating the pernicious system under which duties had been collected. Even so late as the year 1833, Messrs. Simonds and Chandler, the New Brunswick delegates to the imperial government, were complaining that duties were collected at the several custom-houses in New Brunswick upon wine, molasses, coffee and pimento under the provisions of the Acts of parliament, 6th George II,

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Chapter 13; 4th George III, Chapter 15, and 6th George III, Chapter 52, amounting to upwards of one thousand pounds sterling annually, which duties were not accounted for to the legislature, and that it was not known to the House of Assembly by whom and to what purpose these duties were applied. The reply to this on the part of the imperial government was, that in pursuance of the directions contained in the statutes themselves, the duties levied under them were remitted to the exchequer in England in aid of the expenses incurred for the defence of the British colonies in North America. Thus ten years after the British government had undertaken to remit the duties collected in the colonies to the exchequers of the colonies in which the money was collected, there still remained a considerable revenue, obtained under old and obscure Acts of parliament, which was held back, and the destination of which was not known, until disclosed to the delegates sent to England to obtain the redress of New Brunswick's grievances.

But the grievance which caused the greatest amount of dissatisfaction in New Brunswick was that which arose from the management of the Crown lands. It was bad enough that the revenues arising from the public domain should be disposed of without the consent of the legislature; but it was still worse when such regulations were made by the surveyor-general as hindered the settlement of the country and interfered with one of its leading in-

AN ADDRESS TO THE KING

dustries. One great abuse was that large areas of the best land in the province were locked up as reserves for the production of masts for His Majesty's navy. Another grievance was the imposition of a duty of a shilling a ton on all pine timber cut in the province. This was done by the authority of the surveyor-general, and its effect was seriously to injure many of those who were engaged in lumbering. This tax was remitted for a time after the panic of the year 1825, but it was revived when that crisis in the commercial life of the province had passed. The management of the Crown lands office had been the subject of criticism at almost every session of the legislature for twelve or fifteen years before Lemuel Wilmot entered public life, and every year the complaints grew louder.

At the session of 1831, an address was presented to the president, the Hon. William Black, asking him to lay before the House a detailed account showing the amount of the casual and territorial revenue from the beginning of 1824 to the end of 1830, and the expenditures from that fund for the same period. This was refused on the ground that it was inconsistent with his instructions. The House then resolved to bring the matter to the notice of the king in an address, the spirit of which may be gathered from the following paragraphs:—

“By the operation of the system practised in this office, very large sums are taken from the people of this province for licenses to cut timber on Crown

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land, and, although the assembly do not question the right Your Majesty undoubtedly has to the lands in question, they think the tremendous powers with which the commissioner is vested, with regard to impositions of tonnage money and the enormous exactions for fees, to be incompatible with a free government, and to require redress.

“It is generally understood, as well as universally believed, that the commissioner in question is under no control in this province, and to this may be ascribed the mode in which licenses to cut timber are issued in very many cases, in quantities less than one hundred tons, subject to a duty of one shilling, three pence per ton, and the excessive fee on each of forty-five shillings. By this mode, a large part of the receipts is paid in the shape of fees, at once injuring the subject without benefiting the revenue; and the assembly feel convinced, if the office were under colonial management, that while the oppressions would be removed, the revenue would be more productive; and besides, the assembly cannot but view with just alarm that the day may possibly come when, by a single mandate from the office, exactions of such magnitude may be made as literally to stop the export trade of the country, a power which no person should have even the shadow of authority to exercise.

“The assembly at an early day in the present session, by an address to the administrator of the government, sought for documents regarding this

THE CIVIL LIST

office, to enable them officially to bring the subject more in detail under the consideration of Your Majesty, but this information, so highly desirable and necessary, has been withheld from them; and the assembly, therefore, with great submission, lay before Your Majesty herewith, a copy of the said address, with the reply thereto, for Your Majesty's gracious consideration.

"It will by that be seen that the objects contemplated by the assembly are no less than relieving Your Majesty's government permanently from the burthen of the whole civil list of the province, a subject which the assembly humbly conceive to be of great advantage to the parent state, and only requiring that the revenues, from whatever source or sources derived in or collected within the province, should be placed under the control of its legislature."

A portion of the Crown-land revenue went to pay what was termed the civil list, which included the salaries of the lieutenant-governor, the judges, the attorney-general, solicitor-general, private secretary, provincial secretary, auditor, receiver-general and commissioner of Crown lands. The latter official received seventeen hundred and fifty pounds sterling per annum besides enormous fees, so that his income was greater than that of the lieutenant-governor. Thomas Baillie, an Irishman, who had been a subaltern in a marching regiment, had filled that office since the year 1824, and continued to

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hold it until 1851, twenty-seven years in all, when he retired with a pension twice as large as the salary of the present surveyor-general of New Brunswick.

What the Reformers in the legislature of New Brunswick sought to obtain was the control of the public lands, and the disposal of the revenues derived from them. To accomplish this they were willing to undertake to pay the salaries embraced in the civil list, although these salaries were looked upon by the people of the province generally as altogether too large. Yet there were great difficulties in the way of this necessary reform, for King William IV was known to be violently opposed to it. At a later period, 1835, in the course of a conversation with the Earl of Gosford, who had been appointed governor of Lower Canada, "I will never consent," he said with an oath, "to alienate the Crown lands, nor to make the council elective. Mind me, my Lord, the cabinet is not my cabinet. They had better take care, or by —— I will have them impeached."

Such was the language which this king used in regard to his constitutional advisers. It was fortunate for New Brunswick and the other colonies of British North America that at that time he had done his utmost to get rid of his ministers and had been defeated and humiliated, so that they could set him at defiance. But in 1832 they were more disposed to defer to his wishes, and in May of that

CONTROL OF THE REVENUE

year we find Lord Goderich, the colonial secretary, writing to Sir Archibald Campbell, the lieutenant-governor of New Brunswick, in the following strain:—

“The preservation to the Crown of the territorial revenue is an object of the first importance, and it would only be resigned on its being clearly proved that the right of the Crown could not be maintained without producing still greater inconvenience. You cannot, therefore, more usefully exert your influence than in endeavouring to prevent the assembly from urging the surrender of this revenue.”

The question of the control of the Crown-land or casual and territorial revenues was made the subject of an address to the king by the House of Assembly in 1832. In this it was stated that the expense of collecting these revenues was far greater than it would be under proper management, and it was proposed that they be placed under the control of the legislature, which would undertake the payment of all the necessary expenses of the civil government of the province by making such permanent and other grants as might be necessary for this purpose. The reply to this proposition was received during the legislative session of 1833. In it Lord Goderich, with some appearance of sarcasm, observed that “His Majesty did not consider it necessary at present to call upon the House for a grant of the nature proposed, as he did not antici-

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pate such a falling off in the revenue at his disposal as the House appeared to have apprehended." This reply can hardly be regarded otherwise than as an insult to the House of Assembly, for the meaning of their address to the king was deliberately misrepresented. They were contending for a principle, that the revenue derived from the public domain should be under the control of the legislature, and the amount of the revenue did not enter into the question.

In 1833 the House of Assembly appointed a committee on grievances for the purpose of taking into consideration and investigating all matters in connection with the Crown lands, which were the subject of complaint. After this committee had reported to the House, it was resolved to send a deputation to England to endeavour to make some arrangement with the colonial secretary in reference to the Crown lands.

The deputies appointed to proceed to England and lay the grievances of the province at the foot of the throne were Charles Simonds and Edward B. Chandler, both men of wealth, influence and position, and well qualified for the performance of the work with which they were entrusted. Messrs. Chandler and Simonds arrived in England in June, 1833, and immediately placed themselves in communication with the Right Honourable E. G. Stanley, who was then colonial secretary. Their report was laid before the legislature in February,

MR. STANLEY'S DESPATCH

1834, and the result was highly satisfactory to the House of Assembly. A few days later a despatch from Mr. Stanley to Sir Archibald Campbell was laid before the House, in which he stated the terms on which he should feel that His Majesty might properly be advised to place the proceeds of the casual and territorial revenue under the control of the assembly of New Brunswick. He would, he said, be prepared to advise His Majesty to accept a permanent appropriation by the legislature, duly secured to the amount of fourteen thousand pounds per annum, and that the Crown should undertake to charge on any such permanent grant the salaries of the lieutenant-governor, his private secretary, the commissioner of Crown lands, provincial secretary, chief-justice, three puisne judges, the attorney-general, auditor, receiver-general, the expenses of the indoor establishment of the Crown lands department, and a grant of one thousand pounds to the college. It would be necessary, Mr. Stanley stated, that any bill passed in consequence of the proposal contained in this despatch should contain a suspending clause in order that it might be submitted to His Majesty before it was finally assented to. It was also stated, in order to prevent misunderstanding or delay, that the House should be apprised, that, unless some other fully equivalent and sufficient security could be devised, it would be expected that the Act should provide that the stipulated annual commutation should be payable

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out of the first receipts in each year, and that in case of any default in such payment the whole of the revenue surrendered should revert to the Crown. A committee was appointed to prepare the bill on the subject of the surrender by His Majesty of the casual and territorial revenues of the province. The House of Assembly had previously passed a resolution that the sum of fourteen thousand pounds required by His Majesty's government as a permanent grant for the surrender of the casual and territorial revenues of the province was greater than the charges contemplated to be thereon required, yet that the great desire of the House of Assembly to have this important subject finally settled should induce them to accept the proposal contained in Mr. Stanley's despatch. On the day after this resolution was passed, the lieutenant-governor communicated to the House of Assembly an extract from a despatch received the previous day by him from the Right Honourable Mr. Stanley, dated January 4th, 1834. This extract was as follows:—

“In your message communicating to the assembly the proposal contained in my despatch of the 30th September, you will take care distinctly to explain that the payments expected from the New Brunswick Land Company are not included in the revenue which is offered to the acceptance of the assembly.” It is with great regret that an historian of this period must record the receipt of such a

NEGOTIATIONS FAIL

despatch from an imperial head of department to a colonial governor, for the spirit displayed in the message was not that of an enlightened statesman, but such as might have been expected from one who was endeavouring to drive the hardest possible bargain with the province of New Brunswick, in order that a number of officials, swollen with pride and enjoying enormous salaries, might not suffer.

A few days after the receipt of this despatch, a resolution was passed by the House in committee, regretting that the additional condition contained in Mr. Stanley's last despatch would prevent the committee recommending to the House further action in the matter of preparing a civil list bill. Thus ended the attempt to settle this vexed question in the year 1834. The House of Assembly, however, still continued to agitate the matter, and to make Sir Archibald Campbell's life a burden to him. On March 7th, they addressed him, asking for accounts in detail of the casual and territorial revenues, and calling for a number of statements which they had not received except in such a shape that they could not be properly understood. They also addressed His Excellency, requesting him to lay before them copies of all official despatches transmitted to him by the secretary of state for the colonies, since he assumed the administration of the government, relating to the subject of the casual and territorial revenues. The reply of His

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Excellency to the request for more detailed accounts was a courteous one; but while he consented to furnish the accounts requested in detail, it was with the understanding that his compliance was not to be considered as a precedent. He declined, however, to give the names of the parties who had their timber seized or forfeited, or the names of the petitioners for Crown land. He also refused to furnish the accounts of the receiver-general and commissioner of Crown lands, on the ground that they were accounts exclusively between these officers and the Crown.

With regard to the request for his correspondence with the colonial secretary, Sir Archibald Campbell in another message gave a tart refusal, stating that such a request was subversive of the principles and spirit of the British constitution, and that he would ill deserve the confidence put in him by His Majesty were he to hesitate in meeting so dangerous an encroachment, not only on the independence of the executive, but the prerogatives of the British Crown, with a most decided and unqualified refusal. This military officer considered himself a proper exponent of the principles and spirit of the British constitution. He failed to understand that the British constitution rests upon the support of the people, while his system of government was intended to ignore the people altogether.

A few days after the receipt of this message, a

QUARREL WITH THE GOVERNOR

resolution was passed by the House of Assembly declaring that the language used by the lieutenant-governor, in his reply to the address of the House, was at variance with all parliamentary precedent and usage, and such as was not called for by the address. Some of the governor's friends attempted to weaken the force of this resolution by an amendment of a milder nature, but their amendment was defeated, and the resolution carried by a vote of fifteen to eight. Another address on the subject of the casual and territorial revenues and civil list was prepared and passed by the assembly for the purpose of being forwarded to His Majesty. It recited the proceedings, in regard to the matter, which had taken place already, and the desire of the House of Assembly to accept the proposition contained in Mr. Stanley's despatch, and expressed the regret of the House at the new condition imposed with regard to the New Brunswick Land Company, which made it impossible to accept the settlement as amended. The House concluded by expressing the hope that the terms proposed in the original despatch might yet be considered definitive, and that the proviso with regard to the New Brunswick Land Company might be withdrawn. This was transmitted to England; but, before the year ended, Sir Archibald Campbell concluded to rid himself of the House of Assembly, which had given him so much annoyance, and accordingly it was dissolved early in November; so that when the legislature

met again in January, 1835, the House was a new one, although largely composed of the old members.

CHAPTER III

WILMOT IN THE LEGISLATURE

WILMOT acquired a good legal practice soon after his admission to the bar, and was recognized as a highly successful advocate in cases before a jury. In the opinion of the legal profession he never was a deeply read lawyer, either as a barrister or as a judge, but in the conduct of a case at *nisi prius* he could hardly have been surpassed. He had the gift which has been possessed by all great advocates, of seizing on the leading feature of a case, and, regardless of all minor issues, pressing it home on the minds of the jury. His eloquent and impressive speeches on behalf of his clients soon began to attract general attention, and the courthouse was thronged when it was known that he was about to address a jury. He was speedily marked as the proper person to represent the views of the people in the House of Assembly, and, on a vacancy occurring in the representation of the county of York in consequence of the death of one of the members in the summer of 1834, Wilmot was elected without opposition, none of the government party having the courage to oppose him. Before the time came round for the meeting of the legislature, the House was dissolved by Sir Archibald

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Campbell, in the hope that he might be able to get an assembly more amenable to his wishes, and, at the general election which followed, Wilmot was again elected, at the head of the poll. At that time he had barely completed his twenty-fifth year. It was a great triumph for Wilmot and the friends of Reform, for all the influence of the friends of the governor and the Family Compact was arrayed against him.

Mr. Wilmot took his seat as a member of the House of Assembly on January 25th, 1835. Young as he was, he had already made a great reputation as a public speaker, and there was no man in the legislature or in the province who could stand any comparison with him in point of eloquence. Indeed, it is doubtful whether the British North American provinces have ever produced a man who was Wilmot's superior in that style of oratory which is so telling on the hustings or where great masses of men are to be moved. The evidence of this fact does not rest on the testimony of his countrymen alone, for he acquired a wider fame for eloquence than they could give him. At the Portland Railway Convention of 1850, where the ablest men of the Northern States were gathered, he easily eclipsed them all by his brilliant and powerful oratory. The reporters are said to have thrown down their pencils in despair, being unable to keep pace with him as he aroused the enthusiasm of all who heard him by his burning words. Unfortunately,

ENTERS THE LEGISLATURE

there is no form of ability which is so transient in its effects as this perfervid style of oratory. So much of its potency depends on the action of the speaker, on the glance of his eye and the modulation of his voice, that no report could do justice to it, even if there had been reporters at that time capable of putting down every word he uttered. The speeches of even Gladstone, when reported word for word, read but indifferently when seen in cold type, and no speech of Wilmot's was ever properly reported. He was incapable of writing out a speech after he had delivered it, so that we must take the united testimony of his contemporaries, whether friends or enemies, that he was, upon his own ground, an unequalled speaker.

The House in which he now found himself was not one that was remarkable for its eloquence. Unlike most of the legislatures of the present day, the proportion of lawyers was very small, there being only five in a House of thirty members, and of these five the only one who was an orator was Wilmot. The other twenty-five members were mostly business men and farmers, some of whom could express their views on public questions clearly enough, but had no pretensions to eloquence. Yet it was a good House, and one of its best features was that its members were able to appreciate the worth of the new representative from the county of York.

The aim of Wilmot, when he entered the legisla-

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ture, was to bring the province into line with the principles of responsible government as understood in the mother country. Yet, looking at the state of New Brunswick then, it is easy to see that the task he had undertaken was one of enormous difficulty. Most of the evils of which the people had been complaining still existed. The casual and territorial revenue was still under the control of the home authorities, the custom-house establishment still remained unreformed, the Family Compact still controlled all the great public offices, and none but members of the Church of England were thought worthy to serve their country in a public capacity.

Two years earlier the executive and legislative councils had been separated; but the change had made little or no improvement in the system of government. The executive council consisted of five members, all of whom held public offices from which they could not be removed by any act of the legislature. The first on the list was Baillie, the surveyor-general, whose record has already been referred to; next came F. P. Robinson, the auditor of the king's casual revenue; another was William F. Odell, whose father had been provincial secretary for twenty-eight years, and who himself filled the same office for thirty-two years. George F. Street, the solicitor-general, was another member of the executive, and the last on the list was John Simcoe Saunders, who was advocate-general and held three or four commissionerships

BECOMES A LEADER

besides. All these men were so solidly entrenched in their positions that it seemed impossible they should ever be disturbed. They formed a solid phalanx opposed to all reform, and they were supported by the governor, Sir Archibald Campbell, most of whose life had been spent in India and who, however well fitted to govern Hindoos, was hardly the man to give laws to white men who claimed to be free.

As soon as Wilmot entered the House of Assembly, he began to take a leading part in its debates. The very day he took his seat he was appointed on the committee to prepare an address in reply to the speech from the throne. On the following day he gave notice of a resolution with regard to the boundary between Maine and New Brunswick, a subject that was then coming to the front. A day or two later he brought in a bill to continue the Act to provide for the expenses of judges on circuits. Indeed, no man was more active during that first session than the new member for the county of York.

There were two questions that came up for discussion in which, as a Reformer, he was specially interested,—the salaries of the customs establishment, and the casual and territorial revenue. With regard to the latter, when the House had been sitting about a month, the reply of the colonial secretary to the address of the previous session was laid before it. That address, it will be remembered,

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related to the offer which had been made to the British government to take over the Crown lands and provide for a civil list of fourteen thousand pounds sterling, the payments expected from the New Brunswick Land Company to be included in this arrangement. The reply of the colonial secretary was as follows:—

“From various parts of the address I infer that the proposal conveyed to the assembly, through my predecessors, must have been misapprehended in more than one important particular; and I have especially remarked the erroneous assumption that, in offering to surrender the proceeds of the Crown lands, it was intended also to give up their management, and to place them under the control of the legislature.

“From the course of their proceedings, as well as the tenor of the present expression of their sentiments, the assembly must be understood to consider it an indispensable condition that the payments of the Land Company should be comprised among the objects to be surrendered to them. This is a condition to which His Majesty’s government cannot agree. His Majesty’s government would also be unable to recognize the interpretation which was placed on their former offer, so far as regards the control over the lands belonging to the Crown in New Brunswick. Under these circumstances, I can only desire you to convey to the assembly His Majesty’s regrets that the objects of

RENEWED AGITATION

their address cannot be complied with, and, advert-
ing to the wide difference between the views enter-
tained by the government and those manifested by
the assembly on this subject, it seems to me that
no advantage could be anticipated from making
any further proposals at present respecting the
cession of the territorial revenue."

This despatch, which brought a sudden close to the negotiations with regard to the casual and territorial revenues of the province, did not emanate from the government with which the House of Assembly had been previously negotiating, but from a new administration which had just been formed under the premiership of Sir Robert Peel, and which lasted just one hundred and forty-five days. The creation of this administration was due to the action of King William IV, in dismissing his advisers on the death of Earl Spencer, which removed Lord Althorp from the House of Commons. The king had grown to detest his cabinet for their reforming spirit, but his designs were thwarted by the failure of Sir Robert Peel to form an administration capable of facing the House of Commons. As a consequence, Viscount Melbourne again became premier, and a renewal of the negotiations with the government in regard to the casual and territorial revenues was rendered possible.

The House of Assembly was still determined to keep the question of the casual and territorial reve-

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nue to the front, and at a later period in the session another address on this subject was prepared by the House of Assembly, to be laid before His Majesty. In this address the grievances with regard to the management of the Crown lands of New Brunswick were recited, and the willingness of the legislature to provide for the civil establishment of the province was stated. The address urged the benefits that would result to the people of New Brunswick from placing the net proceeds of the Crown-land revenues under the control of the legislature. Attached to this address was a schedule of salaries proposed to be paid out of the casual and territorial revenues, amounting in all to £10,500 currency. The address was transmitted to the governor to be forwarded to His Majesty. No specific answer was ever made to this proposal, a fact which was probably due to the confusion, incident to the change of government, which took place about the time the address reached Downing Street.

Another matter which engaged the attention of the House during this session, and in which Wilmot took an active interest, was the settlement of the salaries of the custom-house officials. Although the surplus revenue from this source went into the provincial treasury, the amount thus received was much less than it ought to have been, in consequence of the large salaries which were paid to the officials. In the year 1830 the amount of custom-house duties collected in the province

CUSTOM-HOUSE SALARIES

was £16,616, 18s. 11d. sterling, from which was deducted for salaries £7,073, 6s., or nearly one-half of the whole amount. The House of Assembly objected to the payment of such large salaries, and in 1831 proposed to the British government to make a permanent annual grant of £4,250 sterling for the payment of customs officials in New Brunswick. This proposal was accepted, and in the following year a bill was passed in accordance with this arrangement. But it was protested against by the customs authorities in England and disallowed because the salaries of the officers of customs were not made the first charge on the revenue. During the session of 1835, an amended bill embracing this provision was passed, and the question was settled for the time. Mr. Wilmot was not satisfied with this arrangement, because it was a violation of the principle that the House of Assembly should have control of the provincial revenue, and he therefore voted against it. Nevertheless, the measure apart from this violation of a fundamental principle, was a gain to the province, as it placed a considerable sum additional in the public treasury.

CHAPTER IV

WILMOT AS A DELEGATE TO THE COLONIAL OFFICE

MR. WILMOT took a very active part in the proceedings of the legislature during the session of 1836, and was the moving spirit in the committee of the whole to inquire into the state of the province during that session. The result was the passing by large majorities of a series of twenty-six resolutions condemning the management of the Crown lands office, the composition of the executive council and also of the legislative council, and declaring that the control of the casual and territorial revenues should be placed in the hands of the legislature. These resolutions were made the basis of an address to His Majesty, which was to be carried to England by a deputation of two members of the House of Assembly. This address relates at length the principal facts of the management of the Crown lands and the reasons of the House of Assembly for dissatisfaction therewith. Mr. Wilmot, in recognition of the active part he had taken in this business, was appointed a member of the delegation, the other member being William Crane of Westmorland, a gentleman of experience, wealth and standing in the province.

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This appointment was the highest compliment that could possibly have been paid to Wilmot's capacity, for the negotiation then to be conducted with the colonial office was of the most important and delicate character, and one which vitally affected the interests of the province.

The colonial secretary at that time was Lord Glenelg, a statesman whose character has been drawn by Sir Henry Taylor, who was then a clerk in the colonial office. "Amiable and excellent as he was," says Taylor, "a more incompetent man could not have been found to fill an office requiring activity and ready judgment. A dart flung at him by Lord Brougham in 1838 points to his notorious defect as a minister called upon to deal with a crisis. The then crisis was that of the Canadian Rebellion." "It is indeed," said Lord Brougham, "a most alarming and frightful state of things, and I am sure must have given my noble friend many a sleepless day." It was probably because of Lord Glenelg's habit of procrastination that the delegates had to remain in London for four months before they were able to bring their business to a conclusion. They arrived there about the middle of June, and it was well on in October before they were able to leave. The result of their work was that an arrangement was made satisfactory both to the British government and to the delegates representing the House of Assembly, by which the casual and territorial revenues were to

CIVIL GOVERNMENT BILL

be transferred to the province, in consideration of the legislature undertaking to provide for a civil list of £14,500 currency annually, for the payment of certain salaries chargeable to that fund. A draft of a Civil List Bill was prepared and agreed to by the lords of the treasury, and the understanding was that this bill should be passed by the legislature, and receive the assent of the lieutenant-governor, when it would immediately become operative.

The first clause of this bill transferred the proceeds of the territorial and casual revenues, and of all woods, mines and royalties which had been collected and were then in hand, or which should thereafter be collected, to the provincial treasurer, who was authorized to receive them for the use of the province, while the Act remained in force. The second clause charged the revenues with the payment of £14,500 for a civil list. The third clause enacted that all the surplus over and above the sum of £14,500 currency, should remain in the treasury of the province until appropriated or disposed of by an Act or Acts of the general assembly. The fourth clause gave the lieutenant-governor, with the advice of his executive council, power to expend such sums as they might deem necessary for the prudent management, protection and collection of the said revenues, a detailed account of which was to be laid before the legislature within fourteen days of the commencement of each session, with all

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vouchers for the same. It was also enacted that all grants or sales of Crown lands should be void, unless the land had been sold at public auction after due notice in the *Royal Gazette*. By this arrangement the House of Assembly had obtained the boon for which it had so long been contending, but there was still one more obstacle to be overcome,—the opposition of the lieutenant-governor, Sir Archibald Campbell, who had entered into a plot with some of the enemies of freedom in the province for the purpose of thwarting, not only the wishes of the House of Assembly, but also the intentions of the home government. As soon as Sir Archibald Campbell was apprised of the intention of His Majesty's advisers in England to transfer the casual and territorial revenues to the provincial legislature, he commenced a correspondence with the colonial office, pointing out what he deemed to be imperfections in the scheme which they had prepared for the management of the public lands. He pretended to have discovered that there was some error in the calculation of the lords of the treasury with regard to the sum to be paid in lieu of the civil list, and that the amount of £14,500 currency would not be sufficient to defray all the expenditures chargeable on the civil list.

Sir Archibald Campbell, soon after the opening of the session of the legislature, in December 1836, requested the House of Assembly to add a suspending clause to any Civil List Bill they might

AN OBSTRUCTIVE GOVERNOR

pass, so that he might forward it to the home government for their approval. As this was entirely contrary to the understanding which had been reached between Messrs. Wilmot and Crane and the colonial secretary,—it being understood that the bill if passed in the form agreed upon would be immediately assented to by the lieutenant-governor,—the House of Assembly very naturally refused to comply with Sir Archibald's wishes. He, however, held firm in his resolution, and the Civil List Bill which had been agreed to by the home authorities, after being passed by both Houses, did not receive his assent. At the close of the session, while the matter was under discussion, at the instigation of the lieutenant-governor one of the executive council, Solicitor-General Street, was sent on a secret mission to Downing Street. The object of this mission was to make such representations to the home authorities as would induce them to delay giving their assent to the Civil List Bill. The truth of the matter seems to have been that Sir Archibald Campbell and his advisers in New Brunswick thought if they could only gain time the Liberal government of England which had granted such favourable terms to the province might be defeated, and a Tory government come into power which would speedily undo all that their predecessors had done, and refuse to grant any concessions to the legislature of New Brunswick. There was great excitement in the province in consequence of the

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action of the lieutenant-governor, and this excitement was fairly voiced in the House of Assembly, where an address was prepared representing the condition of affairs to His Majesty, and detailing the manner in which the lieutenant-governor had sought to thwart the intentions of the imperial government. This address was passed by a vote of twenty-seven to two, the only members of the House who ventured to stand with the man who occupied Government House being John Ambrose Street and William End.

Messrs. Crane and Wilmot were again appointed a deputation to proceed to England with the address of the House of Assembly, and took their departure two days after it was passed, amidst great popular demonstrations by the citizens of Fredericton. The legislature was prorogued on March 1st, on which day the House of Assembly again requested the lieutenant-governor to pass the Civil List Bill, pointing out that under the arrangements made with the colonial office it was his duty to do so, but their request fell upon deaf ears. In the speech proroguing the legislature, Sir Archibald Campbell stated that he had withheld his assent from this bill because a suspending clause had not been appended to it. These were the last words that this obstinate governor was destined to speak before a New Brunswick legislature. Finding that all his hopes of impeding the progress of the province in the direction of political liberty were in

CIVIL GOVERNMENT BILL PASSED

vain, he tendered his resignation to save himself from being removed, as he would have been, for his direct disobedience to the commands of his superiors in England.¹ Sir John Harvey, another soldier, but a man of a very different spirit, was appointed to succeed him as lieutenant-governor. The Civil List Bill was again passed at a special session of the legislature and received the assent of the governor, becoming law on July 17th, 1837. From that time to the present, the province of New Brunswick has controlled the revenues which it derives from its Crown lands and similar sources, and, whether wisely expended or not, the people of this province have at least the satisfaction of knowing that the money is appropriated by their own representatives, and by a government which is responsible to them for its actions.

The death of King William IV took place during the summer of 1837, and brought about another general election. Mr. Wilmot again stood for the county of York and was returned at the head of the poll. This was only a proper recognition of his eminent services to the province in the legislature and as a delegate to England. At this election, Charles Fisher, a young lawyer, was also returned for the county of York. Mr. Fisher, although not so fluent a speaker as Wilmot, was second to no man in the legislature in devotion to Liberal prin-

¹This is shown by the correspondence of Sir John Harvey with the colonial office. Sir John was then governor of Prince Edward Island.

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ciples, and he proved a most valuable lieutenant in the battle for responsible government which now began. The contest for the control of the Crown lands of the province had been won, but a still more difficult task remained for the friends of constitutional principles to accomplish,—the making of the executive responsible to the people. The members of the House of Assembly had been almost unanimous in demanding the control of the Crown lands, but, when it came to applying the principles of responsible government to the affairs of the province generally, there were many deserters from the ranks of those who had called themselves Reformers. This was partly due to the principles of responsible government not being well understood even by some members of the legislature, and partly to the fact that the question did not touch the self-interest of the members in the same manner as the mismanagement of the Crown lands department had done.

Under a thoroughly constitutional system of government the initiation of money grants would have been in the hands of the executive, but in 1837 not a single member of the executive council had a seat in the House of Assembly. Three of the five members of the executive council were also members of the legislative council, but the two others had no seat in either House, a fact which shows on what lax principles the executive was constructed. The initiation of money grants being in the House of Assembly, any private mem-

KING'S COLLEGE

ber had it in his power to move an appropriation of money for any object that he pleased. In this way a system of "log rolling" was inaugurated in the legislature, which resulted in extravagant expenditures and the appropriation of money for objects which, under a better system, would not have received it. It was impossible to put any check upon the expenditure or to keep it within the income under such an arrangement, and one of the first efforts of the Reformers was therefore directed to the removal of this abuse. Unfortunately this was, of all the proposed reforms in the constitution, the one most difficult to carry, and it was not accomplished until after Wilmot had retired from public life.

One of the subjects which engaged the attention of Mr. Wilmot, at an early period of his legislative career, was the charter of King's College. This charter had been obtained in 1828 from His Majesty, King George IV, and the legislature had granted the college an endowment of eleven hundred pounds currency a year, in addition to ten hundred pounds sterling granted by the king out of the casual and territorial revenues of the province. The aim of the charter was to make the college a Church of England institution exclusively, for it provided that the bishop of the diocese should be the visitor of the college, and that the president should always be a clergyman in holy orders of the United Church of England and Ireland. No

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religious test was required of students matriculating or taking degrees in arts, but the council of the college, which was the governing body, was to be composed of members of the Church of England, who, previous to their appointment, had subscribed to the thirty-nine articles. The professors, to the number of seven, who were members of the Church of England, were to be members of the council, so that, although no religious test was required of them, it was reasonably certain that none but persons of that denomination would be appointed to professorships. These terms were much complained of, and surely it was absurd to place a provincial college under the control of a single denomination which could not claim more than one-third of the population of the province as belonging to its communion. It is stated in Fullom's *Life of Sir Howard Douglas*, who was lieutenant-governor of the province at the time, that the charter would have been much less liberal than it was if it had not been for his efforts. The Bishop of Nova Scotia and the Bishop of London desired to confine it entirely to students belonging to the Church of England, and to make subscription to the thirty-nine articles a condition precedent to the granting of degrees in arts. On the other hand, Attorney-General Peters in 1845, when the amendments to the charter were discussed in the legislative council, stated that the charter as originally drafted and sent to England was much

AN EXCLUSIVE INSTITUTION

more liberal in its provisions than when finally passed, but that in 1828, to the surprise of Sir Howard Douglas, the then existing charter came out copied from one obtained by Dr. Strachan for Upper Canada. If this statement was correct, it affords a singular illustration of the injury that the bigotry of one man can cause to future generations. If King's College had treated all denominations on equal terms, all would have resorted to it for higher education. As it was, it became the college of only a section of the people, the different denominations established colleges of their own, and when finally the connection between the Church of England and King's College was severed and it became the University of New Brunswick, the denominational colleges had become so well established that it could hardly compete with them on equal terms.

During the session of 1838 Mr. Wilmot, as chairman, submitted to the legislature the report of the select committee which had been appointed to take into consideration the state of the college. In this report it was proposed to make certain alterations in the charter for the purpose of rendering it more acceptable to those who were not in the communion of the Church of England. In 1839 he introduced a bill in the House of Assembly embracing these amendments. The principal changes were to make the lieutenant-governor visitor of the college instead of the bishop, to repeal the section which provided that the president of the college must be

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a member of the Church of England, and to make persons of every denomination eligible for members of the college council. The professorship of theology was still retained, and students in that course were still required to subscribe to the thirty-nine articles, while services were held in the college morning and evening according to the rites of the Church of England. These changes were certainly of a very moderate character, but they were stoutly resisted by the college authorities and their friends. They put forward the plea that the legislature had no right to alter a royal charter, that to do so was an interference with the royal prerogative, and that the direst consequence would ensue if the constitution of the college was changed. According to their view, a royal charter once granted, the king himself, even with the assistance of both branches of the legislature, could not amend it. The college authorities also denied that they were under the control of the legislature in any way, or responsible to it for their management of the institution, although they were living on money voted by the legislature for its support.

Wilmot's bill passed the House of Assembly, but was defeated in the legislative council. A similar bill was introduced by him in 1840, but postponed in consequence of a communication from the college council which seemed to show an inclination to yield something to the demands of the public. But a fatal objection to these modifications being

ADDRESS TO THE QUEEN

accepted was the insistence of the college council that the bishop of the diocese, or in his absence the archdeacon, should be a member of that body. Representatives of the Presbyterians, Methodists and Baptists pointed out in a memorial to the lieutenant-governor that the exclusive character of the council would still remain, as that body would be composed wholly of members of the Church of England. Lord John Russell, the colonial secretary, to whom the matter had been referred, suggested that the college should surrender its charter and that a new one should be prepared embracing the proposed changes, but the college council took no steps to carry these suggestions into effect. This being the case, at Wilmot's instance the House of Assembly proposed an address to the queen setting forth the facts of the case and asking Her Majesty to assent to a bill, a draft of which was enclosed, which the House of Assembly was prepared to pass.

At the session of 1842 Wilmot again introduced the King's College Bill, and it was passed by the House, but again rejected by the legislative council. Early in the session of 1843, the lieutenant-governor communicated to the House by message two despatches from Downing Street on the subject of the college. One of these was from Lord John Russell, and the other from his successor, Lord Stanley. Lord John laid down the doctrine that "it is a principle of undoubted validity that a

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grant of franchise by the Crown is irrevocable and unalterable by a further exercise of the royal authority unless the power of revocation and change be embodied and reserved in the original grant, or unless the grantees make a voluntary surrender of their franchises." Lord John had evidently forgotten his English history, or he would have known that English kings on many occasions had revoked charters granted by themselves or their predecessors.¹ Lord John desired the college to surrender its charter and accept a new one, but Lord Stanley and the law officers of the Crown whom he had consulted held a different view, and thought that a new charter could be granted to supersede the old. Both colonial secretaries were desirous that the changes in the constitution of the college should be effected by a new royal charter. But this did not suit the views of the House of Assembly, and after another college bill had been defeated in the House and rejected by the council, on March 20th, 1843, the following resolution, which was moved by Mr. Wilmot, was passed by the House without a division:—

"WHEREAS, The assembly, during several years past, have endeavoured, without success, to effect certain reasonable modifications in the charter of King's College; and whereas those modifications as contained in the bill which has been rejected by

¹ Charles II annulled the charter of Massachusetts, and disposed in a similar fashion of the charter of the city of London, as well as of many English towns.

COLLEGE CHARTER AMENDED

the legislative council, during the present session, have been loudly and repeatedly called for by numerous petitions from nearly every county in the province, while no petition has ever been presented against those modifications; and whereas it is in vain to expect the amount of public benefit from the institution which its munificent endowment from the provincial revenue should ensure; therefore,

Resolved, That this House have learned with much regret and disappointment that a majority of the legislative council have rejected the said bill during the present session; and further

Resolved, That this House should persevere in their endeavours to amend the said charter by legislative enactment, and not resort to an address to the throne for a new charter; and that this House will steadfastly adhere to the principle that all the educational establishments of the province, which are endowed from the colonial revenues, whether incorporated by royal charter or otherwise, should be at all times subject to the supervision of the local legislature."

This resolution embodied a great principle to which the House of Assembly was determined to adhere, and which was very soon carried out. In 1844 the college amendment bill was again rejected by the council, but this was the last effort of that reactionary body to defeat the wishes of the people. At the session of 1845, the college bill was again

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introduced by Mr. Wilmot, and this time it passed both Houses. But like many important bills of that day it was reserved for Her Majesty's pleasure and although passed in March, 1845, it was not until December, 1846, that it received the royal assent and became law.

CHAPTER V

LORD JOHN RUSSELL ON TENURE OF OFFICE

IN the session of 1840 Sir John Harvey, the lieutenant-governor, communicated to the legislature a despatch which he had received from Lord John Russell a short time before. This dealt with the question of the tenure of public offices in the gift of the Crown throughout the British colonies. Lord John had been struck by the fact that, while the governor of a colony was liable to have his commission revoked at any time, the commissions of all other public officials were very rarely recalled except for positive misconduct. In New Brunswick offices had been held generally for life and sometimes for two lives, as was the case with the Odells, father and son, who filled the position of secretary of the province for sixty years. One attorney-general of the province had held office for twenty-four years, another for nineteen years and a third for twenty years. One surveyor-general held office for thirty-three years and another for almost thirty years. Under such a system, it was clear that responsible government could make no advance, for these officials held their positions quite independently of the wishes of the legislature. Lord John Russell thought that the time had

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come when a different course should be followed, and his despatch was for the purpose of announcing to the lieutenant-governor the rules which would hereafter be observed in the province of New Brunswick. He said:—

“You will understand, and cause it to be made generally known, that hereafter the tenure of colonial offices held during Her Majesty’s pleasure will not be regarded as equivalent to a tenure during good behaviour, but that not only such officers will be called upon to retire from the public service as often as any sufficient motives of public policy may suggest the expediency of that measure, but that a change in the person of the governor will be considered as a sufficient reason for any alterations which his successor may deem it expedient to make in the list of public functionaries, subject, of course, to the future confirmation of the sovereign.

“These remarks do not extend to judicial offices, nor are they meant to apply to places which are altogether ministerial, and which do not devolve upon the holders of them duties, in the right discharge of which the character or policy of the government are directly involved. They are intended to apply rather to the heads of departments than to persons serving as clerks, or in similar capacities under them. Neither do they extend to officers in the services of the lords commissioners of the treasury. The functionaries who will be chiefly, though not exclusively, affected by them, are the colonial

AN HISTORIC DESPATCH

secretary, the treasurer or receiver-general, the surveyor-general, the attorney-general and solicitor-general, the sheriff or provost marshal, and other officers, who under different designations from these, are entrusted with the same or similar duties. To this list must be also added the members of the council, especially in those colonies in which the legislative and executive councils are distinct bodies.

“The application of these rules to officers to be hereafter appointed will be attended with no practical difficulty. It may not be equally easy to enforce them in the case of existing officers, and especially of those who may have left this country for the express purpose of accepting the offices they at present fill. Every reasonable indulgence must be shown for the expectations which such persons have been encouraged to form. But even in these instances it will be necessary that the right of enforcing these regulations should be distinctly maintained, in practice as well as in theory, as often as the public good may clearly demand the enforcement of them. It may not be unadvisable to compensate any such officers for their disappointment, even by pecuniary grants, when it may appear unjust to dispense with their services without such an indemnity.”

This despatch produced consternation among those who had been accustomed to regard their offices as held on a life tenure, but it was looked upon

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by all the friends of good government as the beginning of a new and better order of things with respect to the public services. The matter was considered by a committee of the whole House a few days after the despatch was received, and an effort was made by Wilmot to have a favourable vote with regard to it. But although the friends of the old Family Compact always professed to be extremely loyal and to pay great deference to the wishes of the British government, on this occasion they pursued a different course. A majority of the House voted down a resolution which affirmed that this despatch should be "highly satisfactory," "affording, as it does, the most satisfactory proof of a sincere desire on the part of our Most Gracious Queen and her government to infuse principles in the administration of colonial affairs strictly analogous to the principles of the British constitution." Instead of passing this sensible resolution the committee, by the casting vote of the chairman, passed the following absurd amendment:—

"Resolved, As the opinion of this committee, that there is nothing in the despatch of the Right Honourable Lord John Russell, now under consideration, to call forth any expression from the House on the subject of colonial government, and that in the event of any occurrence taking place to disturb the present happy political state of the province, the House cannot but entertain the opinion that any loyal and dutiful representations which

OFFICIAL SALARIES

they may have occasion to lay at the foot of the throne will receive, as they have always done, the royal consideration."

The vote on the original resolution was fifteen to thirteen, so that, although defeated, it had a strong support in the House, yet it was years before the principles embodied in the despatch of Lord John Russell were carried into full effect in New Brunswick.

When the Civil List Bill was passed in 1837, the salaries of the public officials which were provided for in it were placed on a very liberal scale. The lieutenant-governor was to receive £3,500 sterling, or almost double the present salary of the lieutenant-governor of New Brunswick. The commissioner of Crown lands was to have £1,750 sterling, or about five times as much as the present holder of that office; the provincial secretary got £1,430 sterling, or more than three times as much as the secretary of the province now receives. All the other salaries were in the same proportion, and on a scale altogether beyond the means of the province. It was admitted by Lord Glenelg, when the arrangements were being made for the transfer of the casual and territorial revenues, that these salaries might require modification, and he suggested that the legislative council and the House of Assembly should at some future day present him with their views on this subject. At the session of 1837, a committee of the House of Assembly, of which Wilmot was a mem-

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ber, reported in favour of a reduced scale of salaries, and this report was adopted by the House. During the same year, a committee of the council recommended that the salary of the surveyor-general or commissioner of Crown lands should be reduced to twelve hundred pounds currency. This reduction was protested against by Mr. Baillie, who had held the office for many years, but it was thought to be reasonable by Lord Glenelg. The executive council, however, took no steps to effect this reduction, possibly because Mr. Baillie himself was a member of that body. At the instance of Mr. Wilmot, the matter was taken up by the House at the session of 1839, and a strongly worded resolution passed censuring the executive council for not carrying into effect the reduction of the salary of the surveyor-general, according to the views of Lord Glenelg. At a later period in the same session, a committee, of which Wilmot was an active member, laid before the House a scale of salaries which they had prepared and which they considered sufficient for the public officials embraced in the civil list. Under this scale, the salary of the surveyor-general was reduced to £600 currency, and that of the provincial secretary to the same amount. This report was not accepted by the House. There were strong interests working for the retention of the existing salaries, and it was not until a much later period that the salaries of the public officials were placed on a foot-

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ing that agreed in some measure with the means of the province.

At the session of 1842, Wilmot was an active member of a committee which was appointed to take into consideration the subject of fees and emoluments of the public officers, and at a later period in the session they made a report recommending that all fees should go into the treasury of the province and that all public officers should receive a certain fixed salary. They presented with their report a scale of salaries which they considered sufficient, which gave the provincial secretary, surveyor-general and attorney-general each six hundred pounds. Bills were introduced for the purpose of carrying these recommendations into effect, but, although passed by the House, they were rejected by the council, which for many years was the graveyard of all measures for the improvement of the province.

The general election of 1842 was mainly fought on the Reform issue, and the question of responsible government was discussed on every hustings. Unfortunately very few of the candidates who offered their services as legislators had a clear idea of what responsible government really meant, and some of the gentlemen who were not ashamed to confess their ignorance of the principles of the British constitution were men of education and position, from whom better things might have been expected. **Mr. Robert L. Hazen**, an eminent lawyer, who was

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a candidate for the representation of the city of St. John, declared in his nomination speech that he never met with any one who could explain to him satisfactorily what responsible government meant. Mr. Humbert, one of the candidates for St. John County, was entirely averse to the new principles. "And what," he asked, "are these principles?" "Why," he would ask, "should the old system be altered; it had never given cause for complaint, it had always worked well,—then why should the people complain?" He was not in favour of any innovations on British colonial government. Very few people understood what responsible government meant. He hardly understood it himself. It was, in his opinion, just introducing another branch into our government. He was not in favour of the government initiating the money votes. He was always sensitive about the rights of the House—to them ought the power of originating the supplies to belong, and to none other—and if returned he would oppose the measure.

Such absurdities as the above would not be worth quoting, but for the light they throw on the views of the average New Brunswick politician of that period. Mr. Humbert had been for many years a member of the House of Assembly, and yet he had been unable to understand the significance of the changes which the Reformers proposed in the constitution of the country. The result of the election in St. John showed that the people of

REFORMERS DEFEATED

that city and county were quite indifferent to the new doctrines. For the county, Mr. Partelow was at the head of the poll, and that gentleman on the hustings had declared that he was opposed to any change in the constitution. He went into the House, he said, under a constitution of fifty years' standing, and he was determined to leave it as he found it, unimpaired. He disapproved of the initiation of money votes being placed in the hands of the executive. He thought "such a system would be wrong and pernicious in the extreme."

When the legislature met in January 1843, it was found that the Reformers were in the minority. Mr. Partelow was determined to make this fact very clear, for in nominating the speaker he made a speech of some length in which he declared that the time had come for testing the principles on which the House should act, and with this object in view he would throw down the gauntlet to the friends of responsible government by nominating Mr. J. W. Weldon, to fill the chair. This gentleman was a very fit representative of the old system, for besides being a member for Kent, he filled almost all the offices in that county which one man could hold. He was postmaster of Richibucto, deputy treasurer for the port of Richibucto, issuer of marriage licenses for the county of Kent, keeper of the seals and clerk of the peace and of the inferior court of common pleas, and registrar of probates for the same county.

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Mr. Wilmot was nominated for the speakership by Mr. Hill, of Charlotte, but declined to run; the odds were too great, and so Mr. Weldon, the opponent of responsible government, was elected without opposition. This was an unsatisfactory result after so many years of conflict, but the friends of Reform, although they had to admit defeat, were neither daunted nor discouraged. They knew that many other questions besides the abstract one of the adoption of responsible government had influenced the recent election, and that the new principles had been blamed for results that would have been avoided if they had been in operation. For instance, the transfer of the casual and territorial revenues to the treasury of the province in 1837 had placed a very large sum, amounting to £150,000, at the disposal of the legislature. All this money had been dissipated by extravagant grants, and in 1842 the province was actually in debt. Many ignorant electors were made to believe that this result was due to the Reformers who had been the means of obtaining this money, which the legislature had squandered; and this feeling was so strong in the county of York, that Messrs. Wilmot and Fisher stood lower on the poll than the two anti-Reformers who were elected with them.

CHAPTER VI

THE READE APPOINTMENT

ALTHOUGH elected in opposition to responsible government, the legislature of 1843 at its first session took one important step in favour of Reform. The arrangement by which the executive and legislative councils were separated, which had come into force ten years before, although a decided improvement on the old state of affairs, did not produce universal satisfaction.¹ The constitution of the legislative council was complained of, and it was described as an obstructive body which disregarded the wishes of the people. Bills of the utmost importance, which had been passed by large majorities in the House of Assembly, and which were demanded by the people, were frequently rejected by the council without being even discussed. Most of its members were opposed to any change in the constitution of the province, and everything which seemed to be in the direction of giving power to the people was denounced as an innovation and condemned as an infringement of

¹ This change had been effected by a royal commission under the signet and sign-manual dated December 3d, 1832. There is nothing in the records of the province to show why this was done. Neither the council nor the House of Assembly had asked for it. The Nova Scotia council was not divided until 1838.

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the vested rights of the council. One of the chief causes of complaint against the council was their rejection of every bill for the amendment of the charter of King's College. Wilmot had so frequently had his efforts in this direction nullified by the council that he introduced a resolution in the assembly condemning the conduct of that body for rejecting the college bill, and the council retaliated by unanimously voting this a breach of privilege.¹ The complaints of the House of Assembly against the legislative council were now embodied in an address to the queen. In this address it was stated that in the opinion of the House the legislative council should be composed of persons not only representing all the leading interests of the province, but so independent in respect to property and so free from official control as to form a constitutional check on the executive. Although, by the laws that existed then, members of the assembly were required to be possessed of real estate to the value of two hundred pounds, over and above all encumbrances, there was no property qualification whatever required for members of the legislative council. The address of the House expressed the opinion that members of the council should be required to possess a certain amount of real estate, and that their seats should be vacant on the loss of this qualification, or on their becoming bankrupt,

¹Mr. Wilmot's resolution was carried in the assembly without a division, so that he had the solid support of the popular branch of the legislature, yet little good was to be expected from such votes in the House.

THE LEGISLATIVE COUNCIL

or public defaulters, or from neglect to give their attendance for a given time without leave of the lieutenant-governor. The address also stated that the constitution of the legislative council was defective and objectionable in other respects, because, of the eighteen members who composed it, a great proportion held offices at the pleasure of the Crown, and the principal officers of the government usually formed a majority of the members present. It was also complained that members of the Church of England had too great a preponderance in the council, the only members not of that communion being one Presbyterian and one Baptist.

At the next session of the legislature, despatches from Lord Stanley were laid before the House of Assembly in which it was stated that the council would be increased in number to twenty-one, and four new members of the council were to be appointed. The new members then appointed were T. H. Peters, Admiral Owen, William Crane and George Minchin, while the Hon. Thomas Baillie, the surveyor-general, the Hon. Mr. Lee, the receiver-general, the Hon. James Allanshaw, of St. Andrews, and the Hon. Harry Peters, of Gagetown, retired. No doubt the retirement of two officials who received large salaries was some improvement, but the council required further remodelling before it could be said to be an efficient body, or one in sympathy with the inhabitants of the province.

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The legislative council has now ceased to exist, and it may be said of it that it was never a very satisfactory body for legislative purposes. Perhaps the original composition of it created such a prejudice against legislative councils as to hamper its activities; and, from having been at first merely the echo of the wishes of the governor, it became latterly, to a large extent, the echo of the wishes of the government. Gradually it became relieved of its official members, and in its last years no head of a department ever occupied a seat in the legislative council; for it was thought, and rightly, that the power ought to be in the House, where the responsibility to the people was most felt, and that it was not wise to place an official whose department expended large sums of money in a body which properly had no control over the public expenditure. The legislative council had undoubtedly from time to time many able and useful members, and, at certain periods in the history of the province, particularly during the confederation discussions, it took a firm stand in favour of measures which seemed essential to the prosperity of the British North American provinces. No one can deny that at that time it exercised an authority fully equal to that of the Lower House, but it cannot be doubted that some of this work was done at the expense of the proper balance of the constitution. Such an exercise of unusual authority on the part of a body not elected by the people may serve a purpose at a

THE COUNCIL'S RECORD

particular crisis, but cannot be commended as an example, and if frequently repeated would end in the destruction of the constitution.

The legislative council lost a considerable proportion of its able men at the time of confederation by the removal of eleven of its members to the senate of Canada, although one or two remained with it who were not inferior to any of those who then took their departure. The new members who came in as their successors were naturally inferior to the old in practical experience and ability, and this had, no doubt, an influence on the future of the House. The example of Ontario, which was able to conduct its affairs with one House, showed that two independent branches of the legislature were by no means necessary, and that the council might be abolished with safety. No doubt it was difficult to bring this about among a people who had been trained to believe that there was something essential to legislation in the balance of king, lords, and commons, making up one legislative body. But in the course of time the electors began to think that the council was not exactly the proper equivalent of the House of Lords, and the lieutenant-governor very far from standing in the position of a king. Old prejudices in favour of a constitution framed after a particular model are difficult to remove, but, in the case of New Brunswick, these prejudices were at length overcome, and it is safe to say that in the course of time all the provincial legislatures

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of Canada will consist of but a single chamber. It is equally safe to assert that under the new system the work of legislation will be as well done as it was under the old.

The session of the legislature in 1843 came to an end on April 11th, and on the seventeenth of the same month Wilmot became a member of the government. His appointment had been preceded by the resignation of five members of the government—Messrs. Black, Shore, Robinson, Odell and Crane—and by the appointment of Messrs. E. B. Chandler, Hugh Johnston, John Montgomery and Robert L. Hazen, to fill the vacancies thus created. Of the retiring members two—Messrs. Black and Shore—were members of the legislative council; one of them, Mr. Crane, was a member of the House of Assembly, while the other two were officials who did not belong to either branch of the legislature. Of the new members of the executive council, Messrs. Chandler and Johnston were members of the legislative council, Messrs. Hazen and Wilmot were members of the House of Assembly, while Mr. Montgomery had no seat in either House. The executive council as made up at that time included four members of the legislative council, three members of the House of Assembly and Mr. Montgomery, who did not become a member of the House of Assembly until three years later. There is no doubt that the composition of the new executive council was more in accordance with correct

ENTERS THE GOVERNMENT

principles than its predecessor; yet little could be expected from it in the way of Reform, for Wilmot was the only member who was in favour of responsible government.

Mr. Wilmot has been censured for entering a government composed of men who were opposed to the liberal views he held on public questions. It was thought by many that his conduct in this respect looked too much like a surrender of his principles for the sake of office or official position, and it certainly would have been better if he had continued in Opposition. Yet we can easily conceive that he may have thought at the time he could do more for the cause of Reform inside the government than out of it, and, although this proved to be an error, it was a natural one for which it is not difficult to find an excuse. Fortunately for the cause of Reform, Wilmot's connection with the government did not last long at that time. A storm was gathering in an unexpected quarter which was destined to wreck the government, and to cause some of its Conservative members to reconsider their opinions with reference to some questions which until then they had regarded as fixed and unchangeable.

It has been already stated that the governor of the province made such appointments to office as he pleased, usually without the advice of his council. He was supposed to have the power to do this as the representative of the sovereign and in the

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exercise of what was termed “the royal prerogative.” In this way persons were frequently appointed to offices who were not residents of the province, and in all other cases appointments were given to the members of certain favoured families. In 1834, a vacancy was created on the supreme court bench by the death of Chief-Justice Saunders. Ward Chipman was appointed chief-justice in place of Mr. Saunders, and the vacant puisne judgeship was given to James Carter, who afterwards became chief-justice of the province. Carter was a young Englishman then living in London, and was certainly no better qualified to fill the position of judge than many natives of the province, so that it was regarded as a gross insult to the members of the New Brunswick bar, to give such an appointment to a stranger. Yet so slow was public opinion to make itself felt in regard to the evil of the appointing power being given to the governor without qualification, that ten years later the House of Assembly presented an address to Sir Charles Metcalfe, governor-general of Canada, expressing the high sense entertained by them, as representatives of the people of New Brunswick, of the “constitutional stand” taken by him in maintaining the prerogative of the Crown in the then recent memorable “conflict.”¹ The city of St. John

¹The resolution to present this address was strongly opposed by Mr. Wilmot and his colleague, Mr. Fisher, who both declared the conduct of Lord Metcalfe to be contrary to the principles of responsible government. Mr. Wilmot's speech led to a singular result. He was attacked in

SIR CHARLES METCALFE

also, to show its loyalty, presented a similar address ; and one signed by one thousand persons was sent from the county of York.

Yet nothing can be more clear than that the stand taken by Sir Charles Metcalfe in 1844 was wholly wrong, for it consisted in refusing to consult with his council in regard to appointments, and in making appointments contrary to their advice. What would the people of Canada say to-day to a governor-general who insisted on appointing men to office against the advice of his cabinet? Yet it was for doing this that the New Brunswick House of Assembly, the city and county of St. John and the county of York actually grovelled in the dust before this despotic governor, thus approving of all his acts. Such abasement and subserviency to an unconstitutional governor was certain to bring its own punishment, and it came much sooner than any one could have anticipated. On Christmas Day of the same year the Hon. William Franklin Odell, who had been provincial secretary for thirty-two years, died at Fredericton. Mr. Odell's father had the *Loyalist* newspaper for his opposition to the address, and this attack having been brought to the notice of the House of Assembly was voted a breach of privilege. Messrs. Doak and Hill, the proprietors of the paper, were arrested on the warrant of the speaker and committed to prison. On the application of their counsel, Mr. D. S. Kerr, they were released by Mr. Justice Carter on a writ of *habeas corpus*. Doak and Hill both brought actions against the speaker, Mr. Weldon, and the result was a decision of the Supreme Court of New Brunswick that the House of Assembly had not the power to arrest and imprison the publisher of a libel on a member of the House touching his conduct and proceedings in the House.

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been secretary before him from the foundation of the province, so that the Odell family had held that important and highly lucrative office for sixty years.

The governor at this time was Sir William Colebrooke, and on January 1st, 1845, just one week after the death of Mr. Odell, he appointed his son-in-law, Alfred Reade, who was a native of England and a stranger to the province, to the vacant office. The gentlemen who had been most prominent in shouting their approval of the "constitutional stand" taken by Sir Charles Metcalfe, now suddenly discovered that Sir William Colebrooke's conduct in making this appointment without consulting his council, was a fearful outrage, and their distress was pitiable to behold. Several members of the government, including such zealous upholders of the prerogative as the Hon. Robert L. Hazen, of St. John, at once resigned their positions. A communication from three of them—Hugh Johnston, E. B. Chandler and R. L. Hazen—addressed to His Excellency gave as their reasons for resigning that they could not justify the exercise of the prerogative of the Crown in respect to Mr. Reade's appointment, because they felt that "the elevation to the highest offices of trust and emolument of individuals whose character, services, and claims to preferment, however appreciated elsewhere, are entirely unknown to the country generally, is prejudicial to the best inter-

RESIGNATION

ests of the province." They did not, however, make it a ground of objection that the appointment of Mr. Reade was forwarded for the royal approbation without the advice or concurrence of the council. These gentlemen evidently thought it was too early for them to eat the words in regard to the prerogative of the Crown, of which they had been so free a few months before, but they showed their true characters by deserting the governor because he had been foolish enough to believe that their profuse expressions in favour of the royal prerogative were sincere.

Mr. Wilmot, who also resigned, sent a separate communication to the lieutenant-governor in which he stated what he considered to be the true constitutional doctrine which should govern such matters. He said:—

"In the first place, I consider it justly due to the people of this province, that all the offices of honour and emolument in the gift of the administration of the government should be bestowed upon inhabitants of the province who have made this country their home, and, in the cases of the principal offices, those persons should be preferred who have claims for public services rendered to the province, and who can command the respect and confidence of the country. With these views, which I hope I shall ever retain, I must necessarily disapprove of the appointment in question, as I can only look upon Mr. Reade as a comparative

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stranger and a transient person, while, at the same time, I am of opinion that he has no claim whatever on the ground of public services rendered to this province.

“It would be in vain for the parents of our youth to make every exertion in order to qualify their sons for the higher offices of the province, if the avenues to honourable and profitable preferment are to be thus closed against them; and I therefore cannot but view the appointment under consideration as an act of great injustice to the people of this country; and I can safely assure Your Excellency that it will be thus considered throughout the length and breadth of the province.

“Your Excellency is well aware that ever since I have had the honour of having a seat in the council, I have approved of, and advocated those principles of colonial government which are now in full operation in Canada, which have been distinctly enunciated by the present government in the House of Commons, and which require the administration to be conducted by heads of departments responsible to the legislature, and holding their offices contingently upon the approbation and confidence of the country as expressed through the representatives of the people. Still entertaining a strong attachment to those principles from a clear constitutionality, and, from a conscientious belief in their safe and practical adaptation to a British colony enjoying the privileges of a representative

REMONSTRANCE OF THE ASSEMBLY,

form of government, I can see no sufficient reason for withholding their salutary influence from the loyal and intelligent people of this province; and considering it more advisable that a gradual advancement should be made by the government itself towards those principles as opportunities may offer, than that a concession in gross should hereafter be made to the urgent demands of the country, I am of the opinion that the provincial secretary should now be brought into the executive government, and should hold a seat in one of the Houses of the legislature—his tenure of office being contingent upon the successful administration of the government; and therefore, as the appointment in question has been made irrespective of any of these conditions, I am bound to give it my opposition."

When the House met in the latter part of January, the Reade appointment immediately became the subject of discussion, and by the vote of twenty-four to six, an address was passed to Her Majesty the Queen, condemning the appointment, not, as the members said, because they questioned "in the remotest degree the prerogative in its undoubted right to make such appointments," but because they thought that the right of appointment had been improperly or unjustly exercised. In other words, the members of the House of Assembly surrendered the principle that appointments should be made by the governor, with the advice of his

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executive, and only objected to the Reade appointment because, in their opinion, some one else should have been chosen. It is easy to see that in subscribing to this address the members of the House stultified themselves; for if it was a part of the prerogative of the Crown to make appointments without the advice of the council, surely the exercise of the prerogative in the appointment of a particular individual could not be fairly questioned. The result of the difficulty, however, was the cancelling of Mr. Reade's appointment by the home government. This decision was communicated to the House of Assembly by message on February 3rd, 1846. The despatch from the colonial office, upon which the lieutenant-governor acted, was written on March 31st, 1845, and must have been received by him at Fredericton not later than the last of April. But notwithstanding this despatch Mr. Reade held office until July 17th, so it will be seen that Sir William Colebrooke was in no hurry to carry out the wishes of the home government. Lord Stanley, the writer of the despatch in question, expressed the opinion that public employment should be bestowed on the natives or settled inhabitants of the province, and he thought that Mr. Reade did not come under this description. He closed his despatch with the following singular statement:—

“I observe with satisfaction that the House of Assembly have not only abstained from complicat-

READE'S APPOINTMENT CANCELLED

ing the subject with any abstract question of government, but have rejected every proposal for laying down formal principles upon such questions. The House has, I think, in this course done justice to the earnest desire of Her Majesty that the colonial administration generally should be conducted in harmony with the wishes of her people, whatever may be the variations arising out of local considerations and the state of society in various colonies, subject to which that principle may be carried into practice; and it is anxiously hoped that the same wise forbearance which has led the House of Assembly to decline the unnecessary discussion of subjects of so much delicacy, may lead them also to regard the practical decision now announced as the final close of the controversy, and to unite in the promotion, not of objects of party strife and rivalry, but of the more substantial and enduring interests of the colony which they represent." If these words have any meaning, they seem to show that at that date the British government believed the right of appointment to be in the Crown, without reference to the council, and that they were unwilling that any general principle should be laid down by the legislature of the province which conflicted with this view.

CHAPTER VII

WILMOTS VIEWS ON EDUCATION

AMONG the questions in which Wilmot took a deep interest was that of education. His views on this subject were far in advance of those of most of his contemporaries. Education was in a very unsatisfactory condition in the province of New Brunswick when he entered public life, and it continued in that condition for many years afterward. If we may judge from the statute-book, the founders of the province had very little appreciation of the advantages of education, for no law was passed with a view to the establishment of public schools until the year 1805. In that year "An Act for encouraging and extending literature in this province" was passed, under the provisions of which a public grammar school was established in the city of St. John, which received a grant of one hundred pounds for the purpose of assisting the trustees to procure a suitable building for school uses, and also an annual grant of one hundred pounds for the support of the master. The same Act provided for the establishment of county schools, and the sections relating to them, being limited in respect to time, were continued by 50th George III, Chap. 33 to the year 1816, when they expired and were

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replaced by "An Act for the establishment of schools in the province." This Act expired in 1823, and in its place "An Act for the encouragement of parish schools" was passed the same year. This last Act was repealed by "An Act in relation to parish schools" passed in 1833, which continued in force for many years. All these Acts were essentially the same in principle, as they provided for government aid to teachers who had been employed to teach schools in the parishes under the authority of the school trustees. The Act of 1833, which was considered to be a great improvement on former Acts, provided for the appointment of three school trustees in each parish by the sessions, and these trustees were charged with the duty of dividing the parishes into districts and directing the discipline of the schools. They were required to certify once a year to the lieutenant-governor as to the number of schools in their parish, the number of scholars and other particulars, and on their certificate the teacher drew the government money. This money was granted at the rate of twenty pounds for a male teacher who had taught school a year, or ten pounds for six months, and ten pounds for a female teacher who had taught school a year, or five pounds for six months, provided the inhabitants of the school district had subscribed an equal amount for the support of the teacher, or supplied board, washing and lodging to the teacher in lieu of the money. Thus a male teacher in

PROVINCIAL GRAMMAR SCHOOLS

a district where a school was always kept, would receive for his year's work his board, lodging and washing, and twenty pounds in money; and a female teacher ten pounds. Such a rate of remuneration was not well calculated to attract competent persons, and the result was very unsatisfactory. Most of the teachers employed were old men who had a mere smattering of learning and who were very incompetent instructors. They usually lodged with the parents of the pupils, living at each house in proportion to the number of scholars sent. This system, which raised them but one degree above the condition of paupers, was not conducive to their comfort or self-respect. As there was no uniformity in the books prescribed and no sufficient educational test, the results of such teaching were not likely to be satisfactory. Sometimes the teacher was a woman who eked out a scanty subsistence by communicating her small learning to a few scholars whom she gathered in her kitchen. Generally, however, the school building was a log hut without any of those appliances which are now regarded as essential to the proper instruction of youth.

In 1816 an Act was passed providing for the establishment of grammar schools in the several counties of the province. At that period St. John and St. Andrews had already grammar schools which had been established under separate Acts, and Fredericton had an academy or college, which was

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founded by a provincial charter granted by Lieutenant-Governor Carleton in 1800. The counties of St. John, Charlotte and York were therefore excepted from the operation of the general Act for the establishment of grammar schools. This Act, after being amended in 1823, was finally repealed by the Act of 1829, which endowed King's College at Fredericton and made new provisions for the establishment and support of grammar schools throughout the province. King's College at a later period developed into the University of New Brunswick. It had its beginning in the original charter of 1800, already referred to, which established the College of New Brunswick. In the same year the governor and trustees of the College of New Brunswick received a grant, under the great seal of the province, of a considerable tract of land in and near Fredericton for the support of that institution of learning. Until the year 1829, the New Brunswick College was merely a classical school receiving from the legislature annually two hundred and fifty pounds, which was the same amount then allowed to the St. John Grammar School.

At an early period, the attention of the people of that province was directed to what was called the Madras system of national schools as conducted by Dr. Bell, the real founder of the system being Joseph Lancaster. This system depends for its success on the use of monitors, who are selected from among the senior pupils to instruct the younger

MADRAS SCHOOLS

ones. It was supposed at the time to be a notable discovery, but, like other short cuts to learning, has fallen out of favour. In July, 1818, the first Madras school was established in St. John by a Mr. West from Halifax. This was a boys' school; and a school for girls, on the same system, was opened a year or two later. In 1819, a Madras school charter was procured under the great seal of the province, and the Madras school system established on a substantial foundation. The province gave a grant of two hundred and fifty pounds for the erection of a suitable building in St. John, and the National Society in England contributed to its support. This charter was confirmed by an Act passed in 1820. The St. John school was to be regarded as the central school, but it was the design of the charter that the benefits of the system should be extended to other parts of the province, and this was accordingly done. The Madras schools received liberal appropriations of money, and large grants of land, and they continued to exist until the introduction of the free school system in 1872. Two or three of them, indeed, continued in operation after that time, but they had lost their original character and had become simply Church of England schools, that denomination having appropriated the Madras school endowments to the support of schools in which its principles and creed were taught. In 1900, by Act of the legislature, the Madras school property was handed over to the diocesan synod of

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Fredericton, with the exception of about ten thousand dollars, which went to the University of New Brunswick.

From the day when Wilmot became a member of the House of Assembly in 1835, he began to press upon the attention of that body the necessity for an improvement in the schools of the province. But the same spirit of apathy which prevailed with regard to purely political questions affected the legislature with respect to education. The people throughout the province were not prepared to make the sacrifices necessary to obtain sufficient schools. Their attitude with regard to education was well described in a speech made by Wilmot in 1846, when Mr. Brown, of Charlotte, brought in his bill to provide for a normal or proper training school for the education of those who were to become teachers. This bill did not become law, in consequence of the opposition raised against it in the legislature on the ground of expense. It was estimated that it would cost an additional two thousand pounds to provide a normal school, and this sum the men who were at the head of the government were not willing to pay for the purpose of giving the children of the province properly trained teachers. Wilmot's speech on that occasion concluded as follows:—

“Before I sit down I must again revert to the greatest difficulty which has to be encountered to render the provisions of that bill effective in pro-

moting a better system of education in the parish schools. This is a difficulty which in this country legislation cannot reach—I earnestly wish it could. I mean the apathy of the parents themselves. The honourable member now in the chair can bear me witness as to the extent to which this apathy prevails in this county at this day. That honourable member, when out of the chair, could tell the committee that in a certain district of this county where there is no schoolhouse, a philanthropic individual told the inhabitants that if they would get out a frame and provide the boards, he would at his own expense provide nails, glass, locks, and the necessary materials for finishing a schoolhouse. What was the result? They did get out the frame and raised it, and when I and the honourable chairman had occasion to visit that part of the county together, we enquired why they did not go on and finish it. The worthy individual who had made the proposition, and bought and had in his house the materials for finishing the building, told us that the inhabitants of the district would not find the boards, and, in consequence of that, the erection of the schoolhouse had not been gone on with. A gentleman now present (I will not mention names, as the chairman might blush) offered to give them the boards from a neighbouring mill if they would go and fetch them, but even this they would not do. Although everything was to be had without money, there was no one who felt

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interest enough in the education of their children to go and bring them to the spot—and to this day the frame stands, as it then did, a melancholy monument of the dreadful apathy which is sometimes to be found even in this comparatively intelligent county.”

Mr. Wilmot lived long enough to see a free school system in force in his native province, although he had no share in bringing this result about. Yet that his views on this subject were sound and far in advance of his time is shown by a speech which he made at the time of the opening of the first exhibition in the province in 1852. He said:—

“It is unpardonable that any child should grow up in our country without the benefit of, at least, a common-school education. It is the right of the child. It is the duty not only of the parent but of the people; the property of the country should educate the country. All are interested in the diffusion of that intelligence which conserves the peace and promotes the well-being of society. The rich man is interested in proportion to his riches, and should contribute most to the maintenance of schools. Though God has given me no child of my own to educate, I feel concerned for the education of the children of those who do possess them. I feel concerned in what so intimately touches the best interests of our common country. I want to hear the tax collector for schools calling at my

MONEY VOTES

door. I want the children of the poor in the remote settlements to receive the advantages now almost confined to their more fortunate brethren and sisters of the towns. I know full well that God has practised no partiality in the distribution of the noblest of his gifts—the intellect; I know that in many a retired hamlet of our province—amid many a painful scene of poverty and toil—there may be found young minds ardent and ingenious and as worthy of cultivation as those of the pampered children of our cities. It is greatly important to the advancement of the country that these should be instructed."

The initiation of money grants by the executive, and the responsibility of the latter to the people, are the two corner-stones on which responsible government must rest. From the very first, Wilmot was an earnest advocate of both these measures; but, owing to the apathy of the people and the disinclination of the members of the legislature to give up what they considered their privileges, it was a difficult matter to accomplish these objects. A reference to the journals of the legislature will show that on numerous occasions he pressed these subjects on the attention of the House of Assembly, and he was ably assisted by his colleague from the county of York, Mr. Charles Fisher, who deserves a foremost place among the men who should be honoured for their efforts to bring about responsible government in the colonies

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of British North America. It was a peculiar feature in the struggle for responsible government in New Brunswick that, before it ended, the opposition to it came not so much from the British government as from the members of the provincial legislature. It was evident that the system of appropriating money which existed in the House of Assembly was one which was wrong in principle and resulted in getting the province into debt, because there was no guiding hand to control the expenditure. The transfer of the casual and territorial revenues to the provincial treasury in 1837 had placed a very large sum, amounting to about £150,000, at the disposal of the legislature, but this sum was speedily dissipated; and in the year 1842, when Sir William Colebrooke became lieutenant-governor of the province, its finances were in an embarrassed condition.

Towards the close of 1841, a despatch was received from Lord Stanley, the colonial secretary, suggesting that it was desirable that a better system of appropriating the funds of the province should be inaugurated. This brought up a discussion in the legislature during the session of 1842 in regard to the propriety of adopting the principle of placing the initiation of money grants in the executive council. Mr. Wilmot moved a resolution in committee of the whole House "that no appropriation of public money should be made at any future session in supply, for any purpose what-

AN ABUSE UPHELD

ever, until there be a particular account of the income and expenditure of the previous year, together with an estimate of the sums required to be expended, as well for ordinary as extraordinary services, respectively, and also a particular estimate of the principal amount of revenue for the ensuing year." To this an amendment was moved by Mr. Partelow that "Whereas the present mode of appropriation, tested by an experience of more than fifty years, has not only given satisfaction to the people of this province, but repeatedly attracted the deserved approbation of the colonial ministers as securing its constitutional position to every branch of the legislature, therefore resolved, as the opinion of this committee, that it is not expedient to make any alteration in the same." This amendment was carried by a vote of eighteen to twelve.

Such an amendment as that passed by the House of Assembly of New Brunswick in 1842 would now only be an object of ridicule, because, as a matter of fact, the financial condition of the province showed that the system of appropriation which prevailed was based on false principles, while the alleged approval of the colonial ministers of which so much account was made, had been extended to the most illiberal features of the constitution. There was, however, some excuse for the reluctance of the members of the House of Assembly to surrender the initiation of money votes to the executive, because the executive coun-

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cil of that day was not a body properly under the control of the legislature, or in sympathy with the people.

When the House met in 1843, it was seen that the friends of responsible government were still in the minority. Yet they brought up the subject of the appropriation of the public moneys by a resolution which sought to fix the responsibility of the expenditure on the government. This was met by an amendment moved by Mr. J. W. Weldon, that the House would not surrender the initiation of the money votes. The amendment was carried by a vote of twenty-four to seven, which showed that the friends of Reform had still much leeway to make up before they could hope to impress their views upon the legislature.

As it was hopeless to expect that a House of Assembly thus constituted would vote in favour of the transfer of the initiation of money grants to the executive, Wilmot did not bring up the subject again during the remainder of its term; but by the operation of the Quadrennial Act, which came into force in 1846, a new House was elected in that year, which was largely made up of the same members as the previous one, and at the first session of this House, held early in 1847, Wilmot, during the discussion of the revenue bill, brought up the question of the initiation of money grants in a vigorous and characteristic speech. He said:—

SPEECH ON APPROPRIATIONS

“Can my honourable gentlemen tell me within five thousand pounds of the money asked for, or required for the present session? No, they cannot, and here we are going on in the old way, voting money in the dark, with a thing for our guide called an ‘estimate’—a sort of dark lantern with which we are to grope our way through the mazes of legislation. Where is the honourable member for Gloucester who talked so much about the good old rules of our forefathers? I am opposed to the present principle of voting away money; it is, in fact, but giving to tax and taxing to give, this way and that way—every stratagem is used which can be invented in order to carry favourite grants, and thus we proceed from day to day by this system of combination and unprincipled collusion. [Cries of ‘Order, Order!'] Honourable members may cry order as much as they please, it is true, and I care not who knows it—let it go forth to the country at large. This system is what the honourable and learned member for Gloucester [Mr. End] denominates ‘the glorious old principles of our forefathers,’ which should be held as dear as life itself. It is not now as in times gone by, when the legislative council and executive council were one, and consequently we cannot now take the initiation of money grants. This left the whole power in the hands of the assembly; and now, with the report of the committee of finance before us, His Excellency’s messages, petitions and everything else,

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there is not one honourable member around these benches can tell me within five thousand pounds of the amount to be asked for, much less within ten thousand pounds of the amount that will be granted during the present session; and yet, here we are in committee of ways and means for raising a revenue. But it will never answer to have too much information upon this point—if we knew exactly how far we could go and no farther—I perhaps would lose my grant, or another honourable member might lose a grant; this is the system that is pursued. I have held a seat here for twelve years and know the ‘ropes’ pretty well.”

In the following year there was another discussion on the initiation of money grants, arising out of a despatch which had been received from Earl Grey, then colonial minister, in which he referred to the laxity of the system by which money was voted in the New Brunswick legislature without any estimate, and suggested that the initiation of money grants should be surrendered to the executive. This proposal was fiercely opposed, and all the forces of ancient Toryism were rallied against it, one member from Queens County, Mr. Thomas Gilbert, going so far as to apply to the advocacy of the old rotten system the soul-stirring words contained in Nelson’s last signal at Trafalgar, “England expects that every man this day will do his duty.”

In 1850, the last year that Mr. Wilmot sat in the House of Assembly, the matter came up again on

END'S RESOLUTION

a resolution moved by a private member. This was met by an amendment moved by Mr. End, of Gloucester, in the following words:—

“ WHEREAS, the right of originating money grants is inherent in the representatives of the people who are constitutionally responsible to their constituents for the due and faithful user of that right; therefore,

“ *Resolved*, As the opinion of this House, that the surrender of such right would amount to a dereliction of public duty and ought not to be entertained by the House of Assembly.”

This was carried by a vote of sixteen to eleven. The three members of the government who sat in the House, one of whom was Mr. Wilmot, who had joined it in May 1848, voted with the minority. It was not until the year 1856 that a resolution was passed by the House of Assembly conceding to the executive the right of initiating money grants, and this was carried by a majority of only two in a full House. The first estimate of income and expenditure framed by a New Brunswick government was not laid before the House of Assembly until the session of 1857.

CHAPTER VIII

THE DEMAND FOR RESPONSIBLE GOVERNMENT

WHEN Mr. Wilmot first entered the House of Assembly, many of the members were office-holders and therefore depended on the goodwill of the governor for their positions. At the session of 1842, a bill was introduced for the purpose of putting an end to this evil, in which it was declared that any member of the House of Assembly who should accept the office of executive councillor or any office of profit or emolument under the Crown should be incapable of taking or holding his seat in the General Assembly while in such office, unless re-elected after acceptance thereof. An amendment was moved to exempt executive councillors who did not hold any office of emolument from the provisions of this section, but it was lost by a close vote. Mr. Wilmot voted for the amendment on the ground that a man who was merely an executive councillor without office, and who received no emolument as such, should not be required to go back to the people for re-election. The bill, nevertheless, was passed by a full House, but it was disallowed by the home authorities on the ground that it was not in accordance with British precedents. The colonial secretary

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said, "This Act as actually drawn would therefore seem to establish a principle of great importance as well as novelty—the principle, namely, that the Crown may not select its own confidential advisers from amongst representatives of the people unless the person so chosen should be willing to hazard a new election. How far it is wise to erect such a barrier between the executive government and the popular branch of the legislature would seem to be a matter well meriting serious consideration." In the same despatch, the propriety of seats in the assembly being vacated for the same reasons which would vacate seats in the House of Commons was fully conceded. The stand taken by Wilmot in regard to this subject was therefore the one which was approved by the home government and was further endorsed by subsequent legislation. Yet it was not until 1849 that the Act was passed which finally settled the question, and required members of the legislature accepting office to vacate their seats in the House of Assembly and go back to their constituents for reëlection.

Sir William Colebrooke had not been a popular governor since the appointment of his son-in-law to the office of provincial secretary. The House of Assembly, therefore, was disposed to watch his conduct very closely and to criticize actions which perhaps would not have attracted so much attention under other conditions. During the session of 1846, it was shown that he had appropriated a portion of

THE GOVERNOR CENSURED

the surplus civil list fund, amounting to about three thousand pounds, for the purpose of defraying the expenses of surveying Crown lands in Madawaska.¹ This money was taken by the order of the colonial secretary, Lord Stanley. Thus it appeared that, although the province was supposed to have the control of the territorial revenue, the British government assumed the right to dispose of a portion of this revenue without the consent or authority of the House of Assembly. The conduct of the governor in connection with this matter was censured in a strongly worded resolution which was passed by the House of Assembly almost unanimously.² The time had gone by when the

¹ This occurred during the time of the "rump" government composed of Messrs. Simonds, Allen and McLeod, the members of the executive who refused to resign at the time of the Reade appointment.

² The following resolutions which were moved by Mr. Partelow were carried in the House of Assembly by a vote of twenty to two:

"1st. *Resolved*, That this committee deeply regret that His Excellency the lieutenant-governor in council should not have felt himself authorized to communicate to the House the despatch of the Right Honourable the Secretary of State for the Colonies, of January 5th, 1845, relative to the appropriation of the surplus civil list, in answer to the address of the House of Assembly of March 14th, 1845, whereby the House was prevented from representing, by an humble and dutiful address to Her Majesty, that such appropriation was not in accordance with the despatch of the Right Honourable the Secretary of State for the Colonies of August 31st, 1836.

"2d. *Resolved*, As the opinion of this committee, that any funds necessary to carry out the fourth article of the Treaty of Washington, being a national treaty with a foreign power, ought not to be chargeable upon the funds of this province; and that the House should, by an humble and dutiful address to Her Majesty, pray that any appropriation made for that purpose from the surplus civil list fund may be refunded to the same."

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representative of the Crown could do as he liked with the public funds of the province, as had been the case in former years.

The legislature was dissolved in 1846 under the provisions of the Act which limited its term to four years. On the last day of the session Wilmot bade farewell to the members of the House, and stated that he did not intend to offer himself again for reëlection. No doubt he was quite sincere in making this statement at the time, but he soon had reason to change his mind. The people of the county of York were unwilling to lose the services of the champion of their rights in the House of Assembly, so that he found it necessary to consent to be again nominated. He was returned at the head of the poll, and with him Mr. Charles Fisher, who had been his colleague in two previous legislatures.

The general election of 1846 brought a considerable number of new men into the House, and in point of liberality the new assembly was a slight improvement on its predecessor. The legislature met near the end of January in the following year. The government at that time consisted of only five persons, of whom two were members of the House of Assembly and three of the legislative council. It appeared that negotiations had been going on with some of the members of the Opposition for the purpose of filling up the vacancies in the executive council. Wilmot had been offered a seat in that

ASSAILS THE GOVERNMENT

body, but made it a condition of his acceptance that he should go in with two of his friends, provided the council was filled up to the number of seven, or three, if filled up to the number of nine. This was not agreed to, so he remained outside the government. During the first week of the session three new members were added to the government, one of them being the surveyor-general, Mr. Baillie, who had been elected a member of the House of Assembly for the county of York. The arrangements made were not satisfactory to Wilmot and his friends, and the government had to face what was practically a want of confidence resolution. It was moved by Mr. Fisher and was as follows:—

Resolved, As the opinion of this House, that while it fully recognizes the accountability of the executive council to the assembly, it will expect that henceforth the provincial administration will, from time to time, prepare and bring before the legislature such measures as may be required for the development of the provincial resources and the general advancement of the public interests."

In the course of the debate Wilmot spoke with great power and effect. The following report of his speech on that occasion may serve to convey to the reader some idea of his manner and method as a public speaker:—

"The honourable gentleman might have spared himself the trouble of making the defence he did. I have heard that he was to be presented with a

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gold medal for his admirable defence of that nearly extinct race—the old Family Compact. I see that I shall have to cross a lance with my honourable and learned friend [Mr. Hazen] politically. Yet I hope the same good feeling which has characterized the debate thus far will be continued. A great deal has been said about politics and political principles, but my political principles are not of yesterday—I have gleaned them from the history of my country, a country which we are all proud to own. Will any honourable member dare to tell me that because we are three thousand miles from the heart of the British empire the blood of freemen shall not flow through the veins of the sons of New Brunswick? If so, I have yet to learn the reason. Before I sit down I will endeavour to show my honourable friends what the distinction is between Liberals and Conservatives—what the Liberals have done, and what the Conservatives have not done. Now to the resolution. My honourable friend said yesterday that the resolution meant initiation of money grants. When this announcement was made I heard a shout from the direction of my honourable friend, Mr. Partelow, in a tenor voice, and an honourable member in the rear [Mr. Barberie] joining in a sort of falsetto accompaniment. I think my honourable friend [Mr. Hazen] is much to blame for having accused his honourable colleague [Mr. Woodward] with writing an article in a city paper. What, suppose he did write

SPEECH ON REFORM

it, do not some of the first noblemen and statesmen in England write for the papers? I will not deny that I have written for the papers myself some little squibs. But it is wrong to place an honourable member in the position where he will have to affirm or deny it. A great cry has been raised of a contemplated attack on the government, and, after all, it has turned out that their fears have been excited by a newspaper paragraph. The government has fortified all their outposts, and His Excellency and two aides have been on the lookout for the coming attack. At length my honourable colleague [Mr. Fisher] brought forth his resolutions when they said to each other, 'Why, this doesn't mean anything; there is no attack.' But they slept over it one night, cracked some wine upon it, and while sitting under the mahogany they said—'Hazen, there is something in these resolutions of Fisher's, depend upon it—some hidden meaning—what shall we say it is? what will we call it? we must give them some ugly name, or they will pass.' 'Oh,' said Hazen, 'I have it—initiation of money grants—that'll do; I'll just go down to the House and cry out "mad dog," "initiation of money grants"; members will become alarmed, and we'll succeed in defeating them.' But the honourable member from St. John [Mr. Jordan] has made the most wonderful discoveries; he has taken a peep from the lookout station at the enemy; he has looked through a political micro-

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scope, and has discovered more than the commander-in-chief himself. ‘Why,’ says he, ‘there’s everything there—I see “free trade” and “protection” both, and let me see—I—there’s the “Board of Works,” too; and round on the other side I see “Municipal Corporations.”’ I will endeavour before I sit down to prove that the arguments of my honourable friend Mr. Hazen are fallacious. He has been developing at a great rate yesterday; he was not asked to develop the money, but to bring down such measures as would develop the provincial resources; this is the meaning of the resolution, and, had not my honourable friend become alarmed for the safety of the government, there is no man into whose hands I would sooner place the resolution. But he has chosen to put the construction upon the resolution which he has done, and other honourable members said, ‘Oh, he knows what it means better than I do; he has cried “mad dog” and we’ll follow him.’ The government is not asked to bring in the revenue bill, or any other bill which involves the principle of money grants. All the resolution requires is, that they shall be prepared, at the opening of the session, with such measures as may be considered for the general welfare of the country, and not keep the assembly waiting two or three weeks for the motion of the government, as has been the case this session. Honourable members will recollect that there is a constituency behind them to whom they are accountable; but

RESPONSIBLE GOVERNMENT

they may resolve and re-resolve as they please. There is a spirit of inquiry abroad among the people, a political intelligence, which was not to be found a few years since when my honourable friend denounced responsible government as all nonsense! What was the case when responsible government was first talked of in this province? Who descended from their lofty eminence to warn the people to beware of these new doctrines? The old official Family Compact party—they who entrenched themselves behind the prerogative of the Crown in 1836, came down to the people and said, 'We who have done so much for you—we who have watched over and guarded you, beware of that dreadful monster, responsible government.' These are the people who call themselves Conservatives. What, I would ask, did they conserve? Everything but the good of the country; and, had the Conservatism of 1836 been carried out, an insulted people would ere this have risen in their majesty and would have shaken off the yoke of bondage under which they had been labouring.

"It has been said by honourable members of the government that there is no distinction between Liberals and Conservatives. If this is the case, why did they object to have me and two others take seats in the council because we were Liberals? Here is a question which I would like my honourable friends to answer. The Conservatives do not wish to see any power in the hands of the people.

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[Interjection from Mr. End—‘Not too much.’] The honourable member from Gloucester, Mr. End, has receded from his principles wonderfully; his speech yesterday was certainly a most extraordinary one. He said to the government in a most supplicating tone of voice, ‘Give me fair play—give me the appointment of all the bye-road commissioners, magistrates, sheriffs, and so on, in Gloucester, and I will support you; that is all I want.’ I will take care not to be misunderstood in these matters, I will not allow any man to be the exponent of my political principles. I believe departmental government to be inseparable from our institutions, but will oppose the immediate introduction of the whole system; I will bring it in step by step as the country is prepared for it. Some extraordinary notions are entertained as to the source from whence the power of the government is derived; the freedom of government does not come down from the Crown, it goes up from the people; and if the people are fit for these institutions they are fit for self-government. I have frequently said that they who get the people’s money shall do the people’s work. [From Mr. Partelow—‘Yes, that’s right.’] I will now come down a step further—what was the case in 1837? I am not going to disclose any secrets this time—but will speak low. I wish to ask my honourable friend [Mr. Hazen] if, after the administration changed in 1837, the government had the cordial coöperation of the heads of departments? No!

THE PEOPLE SUPREME

There has been a counter-working going on—a constant endeavour to lead the government astray and place them in a wrong position, and my generous-hearted friend [Mr. Hazen] has to come down to this House and defend them. It is a political fact, that previous to 1841 the heads of departments in this province were in open hostility to the government. [From Mr. End—'They could do no harm.'] If the departmental system were in operation, and their tenure of office depended upon their ability so to conduct the government as to merit the confidence of the assembly and the people, there would be none of this stabbing in the dark, and running off the track. It is, in my opinion, the only constitutional remedy for the good working of the government. These five gentlemen who have lately formed the mixed government, asked for departmental government when they signed the address to the queen; yet now they refuse to adopt it. I should like to know when they intend to graduate—does it depend upon the age of the country or the state of the atmosphere? The fact is, whenever the people of this country, through their representatives, choose to ask for it they must get it. In 1844 they ran to the rescue of the prerogative in Canada; but the very next year the same case came down to their own doors! The tune was changed then, and an address was prepared to the queen signed by the whole assembly except five. Why is this brought about—why is the tune changed so sud-

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denly? They at first said responsible government is not fit for a colony—the next cry was, it is not fit for New Brunswick, and finally they said, when they addressed the queen—we must have it. Mr. Roebuck called upon Lord John Russell to explain what responsible government was, which he has done [reads the speech as delivered in the British parliament], and, when they had first asked for it here, it was in full operation in Canada. My honourable friend [Mr. Hazen] has accused me of having receded; but I will now ask him to point out how I have done so? He has also said that I was brought forward at the last election by the Conservatives. True, but I was backed by all my old friends, and I told them if they took me, they must do so with all my former opinions—opinions which I never will give up. When they talk about there being no difference in political names,—there is a difference; those who have contended for Liberal principles have their names covered with obloquy. We ask for a constitution that, while it protects the queen upon the throne, throws, at the same time, its paternal arms around the helpless infant. This we ask for, this we want—the pure, the free, the glorious constitution of England; for this we have contended, for this the Liberals of New Brunswick have fought, and let them call us rebels who have nothing else to write about, I care not; we ask for a system that will give fair play to all—that will upset all Family Compacts, and give to the sons of

REFORM DEFEATED

New Brunswick their birthright, the benefit of free institutions and self-government. This is what we want, and I will not submit tamely to be called a rebel; I defy any honourable member to look at my political life and say where I have overstepped the bounds of the constitution? If I do live three thousand miles from the great body of the empire, still that empire sends its blood through the veins of every British subject. A son of New Brunswick has the same right to the benefit of her institutions as has a resident of London, and I will not submit to be cut off by any political manœuvring."

After a long debate, Mr. Fisher's resolution was defeated by a vote of twenty-three to twelve, which showed that the friends of Reform had still much work to do.

CHAPTER IX

THE VICTORY IS WON

THE session of 1848 was destined to be a memorable one in the history of responsible government in New Brunswick. It was evident that with the House as then constituted no progress could be made unless a change were brought about in the views of some of its members by outside pressure. In this instance the pressure came from the imperial government, which desired to bring the political condition of New Brunswick into line with that of Canada and Nova Scotia. In March, 1847, Earl Grey, the colonial secretary, addressed a despatch to Sir John Harvey, the governor of Nova Scotia, in which he laid down the principles which he thought should control colonial administration. The most important feature of this despatch was its declaration with reference to the composition of the executive council. With regard to office-holders in general, Earl Grey thought that they ought not to be disturbed in consequence of any change of government, but he was of opinion that a different rule should apply to such officials as were members of the executive council. On this point he adopted the language of Mr. Poulett Thomson (Lord Sydenham), who, in a despatch to Lord

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John Russell, written at Halifax, in the year 1840,
said:—

“The functions of the executive council, on the other hand, are, it is perfectly clear, of a totally different character; they are a body upon whom the governor must be able to call at any or at all times for advice, with whom he can consult upon the measures to be submitted to the legislature, and in whom he may find instruments within its walls to introduce such amendments in the laws as he may think necessary, or to defend his acts and his policy. It is obvious, therefore, that those who compose this body must be persons whose constant attendance on the governor can be secured; principally, therefore, officers of the government, but, when it may be expedient to introduce others, men holding seats in one or other House, taking a leading part in political life, and above all, exercising influence over the assembly.

“The last, and in my opinion by far the most serious, defect in the government is the utter absence of power in the executive, and its total want of energy to attempt to occupy the attention of the country upon real improvements, or to lead the legislature in the preparation and adoption of measures for the benefit of the colony. It does not appear to have occurred to any one that it is one of the first duties of the government to suggest improvements where they are wanted; that, the constitution having placed the power of legislation

A MEMORABLE DESPATCH

in the hands of an assembly and a council, it is only by acting through these bodies that the duty can be performed; and that, if these proper and legitimate functions of government are neglected, the necessary result must be not only that the improvements which the people have a right to expect will be neglected, and the prosperity of the country checked, but that each branch of legislature will misuse its power, and the popular mind be easily led into excitement upon mere abstract theories of government to which their attention is directed as the remedy for the uneasiness they feel."

He concluded by expressing the opinion that the peculiar circumstances of Nova Scotia presented no insuperable obstacle to the immediate adoption of that system of parliamentary government which had long prevailed in the mother country.

A copy of this despatch was sent to the lieutenant-governor of New Brunswick and it was laid before the House in pursuance of an address which had been passed a few days before. It was understood that the principles laid down in this despatch would be equally applicable to the province of New Brunswick, and Mr. Fisher moved that the House should approve of them and of their application to New Brunswick. This resolution was carried by a vote of twenty-four to eleven, which was a complete reversal of the vote of the previous session. Among those who voted for the resolution

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were the three members of the government who had seats in the House of Assembly and who had been previously opposed to any such change in the political system of the country. Thus the victory for responsible government was practically won, and it only remained to perfect the details.

Immediately after the prorogation of the legislature, a reorganization of the government took place, Messrs. Baillie, Shore and Johnston retired and their places were taken by Messrs. Wilmot, Partelow, Fisher and Kinnear. Mr. Wilmot became attorney-general in the place of Mr. Peters, recently deceased, who had filled that office for twenty years. Mr. Partelow became provincial secretary in place of John Simcoe Saunders. Mr. Kinnear, who had been made solicitor-general in 1846, now became a member of the government under the new system, while Mr. Fisher took his seat as a member of the government without office. Thus were the principles of responsible government vindicated and established in New Brunswick. The provincial secretary, the attorney-general and the solicitor-general became political officers subject to change with every change of government. The surveyor-general, Mr. Baillie, by resigning from the government escaped this condition for the time being, but it was not long before that office also became political, Mr. Baillie himself retiring with a pension in 1851.

INFLUENCE OF COLONIAL OFFICE

Messrs. Wilmot and Fisher were much censured by their friends for becoming members of a government that was essentially Conservative and in which they were in a minority. But as the principles for which they had contended had been admitted and were now in a measure established, there seemed to be no reason why they should not assist in working them out. Wilmot as attorney-general certainly had greater opportunities of advancing the cause of Reform than as a private member, and he and Fisher working together were able to exercise a strong influence on the administration. In the following year, as has already been seen, a measure was carried voiding the seats of members of the assembly who became heads of departments in the government, or enjoyed any office of profit or emolument under the Crown, and this was all that was necessary to establish responsible government on a firm basis. There was indeed one other difficulty, the interference of the colonial office and the influence of the governor, who had been accustomed to govern the province largely by means of despatches. This influence was one which could only be got rid of by degrees, for the wise men of Downing Street always thought they knew much better what colonists required than did the colonists themselves. The colonial secretary undertook to dictate to the province as to the kind of tariff it should pass, and to refuse assent to the passage of bills by the legislature giving a preference to

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any particular county or granting bounties to fishermen or others engaged in any special calling. It was felt to be a hardship that the province was not permitted to give encouragement to any industry which it desired to assist, and so strong was this feeling that at the session of 1850, immediately after the receipt of a dispatch from Earl Grey disallowing the bill of the previous session granting bounties for the cultivation of hemp, a bill was introduced and carried by an overwhelming majority in the assembly appropriating three thousand pounds for bounties to fishermen. This bill was rejected by the council, so that the colonial secretary was spared the difficulty which would have been involved in being defied by the New Brunswick legislature. It was also felt to be a great hardship that, at a time when the colonies were being deprived of the preferential tariff they had so long enjoyed in the English markets, they should be debarred from entering into commercial arrangements with foreign nations. A series of strongly worded resolutions on this subject was moved by Mr. David Wark, and was well supported, although not carried. The language used by many of the speakers during the debate showed that the loyal feelings which had always distinguished the people of the province were being subjected to a severe strain by the policy of the British government. These interferences with provincial rights continued for many years after Wilmot had retired from

THE PORTLAND CONVENTION

public life, and therefore it is unnecessary to refer to them further.

Wilmot had but few opportunities during his active career as a public man of displaying his abilities outside of his native province. His fame as an orator was therefore mainly a local one, and the Portland Railway Convention of 1850 was the first occasion on which he was recognized as one of the best speakers on the continent. That great gathering of the railway and business men of the United States and Canada was assembled for the purpose of taking measures to secure a shorter ocean route to Europe than was afforded by steamships sailing from New York. It was thought that a better plan would be to run steamships from some port on the west coast of Ireland to a port on the east coast of Nova Scotia, a distance of about two thousand miles, and to connect the latter with New York by a line of railway. No one doubted at that time that this was a plan that was likely to succeed, and probably it would have done so if there had been no improvement in the construction of steamships. No one dreamed in those days that boats with a speed of twenty-five knots an hour and of twenty thousand tons displacement would be running to New York before the century was ended, and that the voyage to Liverpool would be reduced to less than six days.

The Portland Convention included many eminent men from the United States and Canada and not

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a few that could justly be described as orators, but it was universally admitted that in eloquence Attorney-General Wilmot, of New Brunswick, exceeded them all. The reporter of the proceedings of the convention stated, in the pamphlet afterwards published, that it was due to the speaker and to himself to say that "he had been entirely unable to give anything like a report of the remarks of Mr. Wilmot." The reporter also quotes the statement of another that "Mr. Wilmot delivered one of the most spicy, eloquent and enlivening speeches which he ever heard, which, while it kept the audience in the best spirits, was replete with noble sentiments commanding themselves to the hearts of all present. His remarks were generally upon the moral, social and intellectual influences which would result from the contemplated work. No sketch would do justice to its power and beauty, its flashes of wit and humour."

The following report of Wilmot's great convention speech, although admittedly very imperfect, is given as almost the only example that survives of his eloquence:—

"I find myself in a new position in addressing a convention in a city, in a state, and under a government that is foreign to me, as far as citizenship is concerned. But I feel myself at home, for I am among those who derive their inheritance from the same common ancestry. I am, Mr. President, not a son of New England, but a grandson, and I can

WILMOT'S GREAT SPEECH

find the old gravestone which indicates the graves of my ancestors, in a pleasant village of Connecticut [cheers].

"We in the provinces came to this convention at your call. We have responded to your invitation and you have given us a brother's welcome. Physiologists affirm that the exercise of the muscles tends to their enlargement and fuller development; and phrenologists affirm that the exercise of the different faculties develops in a corresponding degree the bumps upon the cranium. I would beg to add something to this category,—the exercise of benevolence and kindness enlarges the heart, and since I have been among you I have felt my heart growing big within me [cheers].

"I am delighted to see this day, and could I give expression to the emotions which swell up within me I would do so, but my power fails in the attempt, and I cannot presume to make a speech. We do not, however, meet to consult about California, where one hundred and twelve hour speeches are necessary, or about the admission of New Mexico into the Union. Our object is to effect an admission into the great railroad union, and on this question we admit of no 'compromises.' We go straight ahead in our purpose and the union will be effected [cheers].

"I know, Mr. President, it is a great work in which we are engaged. I know that it looks vast, if not impossible of achievement to those who

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have not studied its relations and its details, but those who look at it through the enlarged medium which its contemplation presents will find that difficulties diminish as its importance grows upon their vision.

“Look at the progress of similar enterprises among yourselves in the state of Maine, and other parts of New England, and then say whether anything is required of us but union of effort and faith in the result of our exertions. In prosecuting our work in this matter, we must have faith; but as faith without works is dead, let us put forth our exertions and go steadily forward to a speedy and glorious completion of our great enterprise [cheers].

“If the timid falter and the doubting hold back, there are others who will take their places and keep our ranks full. We have only to hold our position, and drive back the army of doubters, or opposers, who may resist our march. We must give them the same reception that General Taylor gave to the army of Santa Anna at Buena Vista. If opposed by superior numbers, or if on any part of the field there are those who hesitate, or hold back when a stronghold of the enemy is to be carried, I would repeat the order of General Taylor: ‘A little more grape, Captain Poor’¹ [tremendous cheers].

“It is written in the decrees of eternal Providence,

¹This is an adaptation of General Taylor’s words. John A. Poor was the chief promoter of the European and North American Railway and the chairman of the committee of arrangements of the Portland Convention.

WILMOT'S GREAT SPEECH

Mr. President, that we shall learn war no more; we may then go on side by side with glorious emulation for the cause of virtue and philanthropy throughout the world, striving who shall out-vie the other. How changed in every respect, now, is the condition of our race! How glorious the sight of two great peoples uniting as one, 'to draw more closely the bands of brotherhood, that yet shall make of all mankind but one great brotherhood of nations.' The sentiment of that resolution which embodies this idea is worthy of its author and of the American character; but it is also a sentiment to which the people of the British empire will respond [cheers].

"Sir, I found in the circular which invited us here this sentiment expressed, in terms which aroused to the fullest enthusiasm the mind of every man in the British provinces: 'The spirit of peace has at last prevailed—national animosities, sectional and political hostility have disappeared between the English races since the establishment of the boundaries of Maine and Oregon, and the contests of war have been succeeded by a noble and generous rivalry for the promotion of the arts of peace. The introduction of the steamship and the railway has made former enemies friends. National hostility has given way to commercial and social intercourse, and under whatever form of government they may hereafter exist, they can never again become hostile or unfriendly' [cheers].

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“To this sentiment I respond with all my heart. It is this sentiment that has brought us together. I know not who was the author of this circular, but whoever he may be, in the name of every Englishman—in the name of every American, sir, in the name of humanity, I tender him thanks [cheers].

“An enterprise aiming to accomplish such results, and which is in and of itself calculated to produce such results, cannot fail of success. The whole civilized world is interested in its accomplishment. There are some good old-fashioned people who think we are going too fast and too far in our railroad enterprises. We have, they say, lived and got along well enough without railroads, and now you seem to think that your temporal salvation depends upon it! Blot out your telegraphs, lay up your steamboats,—what darkness would come upon the world! We must form ourselves into a council of war for the purpose of combating these old prejudices, and, instead of being turned away from our objects, we will take stronger grounds than ever occupied before.

“Mr. President, we of the provinces have made up our minds no longer to remain quiet in our present condition. With all the fine natural advantages our country possesses, we make comparatively slow progress, and our province itself is scarcely known to the world. I shall be pardoned here for relating an anecdote to illustrate the truth of this remark.

WILMOT'S GREAT SPEECH

“In a recent visit to Washington upon official business, I had occasion to tarry a few days in the city of New York, and among the places that I visited with a friend was one of the colleges in the city. My friend introduced me to a learned professor as his friend, the ‘Attorney-general of New Brunswick.’ We entered into conversation on a variety of subjects, and he inquired when I came over to the city, and as to various matters going on in the neighbouring state. Seeing the mistake of the learned professor, I thought it hardly kind to mortify him by correcting it, and I answered in the best way I could, and took my leave; and to this hour, I suppose, the learned professor thinks he was talking with the attorney-general of the fine old state of New Jersey [tremendous cheers].

“Seeing that my own country itself was hardly known beyond its bounds, I felt a little concern that she should not always remain in this condition. I felt, as many of my friends and neighbours have long felt, that we must look at home for the means of making our province honoured and respected abroad. And we intend to open this line of railway entirely across the breadth of our province and bring ourselves into connection with the world [cheers].

“Mr. President, I cannot omit, in this connection, the expression of my profound regard for the American Union. It is the union of these states that has given you greatness and strength at home

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and the respect and admiration of the civilized world [long-continued cheers].

"The great interests of Christianity, of philanthropy and of liberty, throughout the world, depend upon the union of these states. We of New Brunswick, of Nova Scotia, and of Canada are deeply interested in its existence. If there is any question of the day that interests us more than all others, it is this very question of the perpetuity of the union. For myself, I think there should be passed a law providing that the man who would even conceive the idea of a dissolution of the union should be guilty of treason. In the sincerity of my heart, I say, perish the man who should dare to think of it [tremendous cheers]!"

With respect to railway legislation Wilmot was not in advance of many others in the province whose general political views were less liberal than his own. There was always a good deal of local feeling injected into the discussion of railway matters and Wilmot, who was a resident of Fredericton, incurred a good deal of censure for the ridicule which he threw on the proposal to build a railway from St. John to Shedia, which is now a part of the Intercolonial. As this railway brought the counties bordering on the Straits of Northumberland and the Gulf of St. Lawrence into easy communication with St. John, nothing is more clear than that of all the railways then projected in the province it was the one most likely to be useful and

HIS WORK IN LEGISLATION

profitable, but Wilmot apparently could not forget the fact that it did not touch his own county. His speech on this subject was made in the legislature before the meeting of the Portland Convention, and it is worthy of note that five-sixths of the Shediac Railway was to be used as part of the magnificent European and North American Railway scheme which was so much lauded by him in his Portland speech.

There is not much to be said in regard to the political life of Wilmot after he became attorney-general. His principal legislative achievement while he filled that office was an Act for the consolidation of the criminal law with regard to the definition of certain indictable offences and the punishment thereof. This was a useful but not a brilliant work, which many another man might have performed equally well. In the session of 1850, Wilmot carried a bill through the House of Assembly for the reduction of the salaries of the judges of the supreme court and some other officials, but this measure did not pass the legislative council. He had always been in favour of a low scale of salaries as best suited to the conditions which prevailed in the province. The scale had been fixed in 1836, when the casual and territorial revenues were placed under the control of the province, but an agitation soon afterwards commenced for further reductions. The imperial government would not consent to the reduction of any salary while the

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holder of the office lived, except in the case of the surveyor-general, whose duties had been decreased, but it agreed to a lower scale for future occupants of the offices. In this way the salary of the provincial secretary had been reduced from £1,599 11s. to £600; that of the surveyor-general from £2,019 4s. 4d. to £1,209 12s. 4d., and that of the auditor-general from £500 to £346 3s. The salaries of the judges, however, remained the same in 1850 as they had been in 1836, viz., £1,096 3s. for the chief-justice and £750 for each of the puisne judges. Wilmot's bill reduced these salaries to £700 for the chief-justice and £600 to each of the other judges. He also voted for a resolution in favour of making the legislative council elective, and that an address should be presented to Her Majesty asking her to consent to the passage of such a bill. A favourable answer was received from Her Majesty, but the scheme to make the legislative council elective was never carried into effect, in consequence of the opposition which it encountered in that body.

There is no doubt that the popularity of Wilmot seriously declined after he entered the government. This was very plainly seen at the general election which took place in June, 1850, when he narrowly escaped defeat, being the lowest on the poll of the members elected, while his colleague in the government, Mr. Fisher, was defeated, polling less than one-half the number of votes given to the candidate who was highest on the poll. But, on the whole,

THE GOVERNOR AND THE JUDGES

the result throughout the province was favourable to the cause of Reform, and among those elected in York who stood higher on the poll than Wilmot were two new members who held advanced views with respect to the amendment of the constitution.

Although responsible government had been conceded to New Brunswick, and it was admitted that public offices should be bestowed in accordance with the wishes of the people, the close of Wilmot's legislative career was marked by an event which showed that the old order of things had not entirely passed away. Chief-Justice Chipman, owing to failing health, resigned his seat on the bench in the autumn of 1850, and it became necessary to provide for a successor. A meeting of the executive council was called for the purpose of filling the vacancy, and six members of the council out of the eight who were present signed a memorandum to the effect that it was not advisable to appoint any person to the vacant office, but that such a division of the work of the judiciary should be made by the legislature as would secure the efficient discharge of the judicial duties by three judges, together with the Master of the Rolls. Wilmot was one of the persons who signed this memorandum, but on the following day he called on the governor and asked that his name might be withdrawn from it, he having in the meantime apparently changed his mind. The governor, Sir Edmund Head, asked the

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judges whether, in their opinion, three of them would be able to do all the judicial business of the country, and received from them a strongly worded protest against any such alteration in the number of judges. Mr. Fisher, who was one of the members of the executive present at the meeting, submitted to the governor a paper in which he took strong grounds against the proposal to reduce the number of judges. Sir Edmund Head referred the matter to the home authorities, and they decided that the proposed change in the number of judges was not advisable. Moreover, they decided as to who should fill the vacant offices, and asked the governor to appoint Mr. Justice Carter to the position of chief-justice and to offer a puisne judgeship to the attorney-general, Mr. Wilmot, and if he refused it to the solicitor-general, Mr. Kinnear. Mr. Wilmot accepted, and thus brought his political career to an end.

CHAPTER X

JUDGE AND GOVERNOR

THE opinion that was entertained of Mr. Wilmot by those who were closely associated with him in the work of Reform was well expressed by the late Mr. George E. Fenety, in his *Political Notes*.

“A great luminary,” says Mr. Fenety, “set in semi-darkness on the day that Mr. Wilmot left the forum for the bench. He was the light of the House for sixteen years, the centre from whence radiated most of the sparkling gems in the political firmament. It was at a time of life (comparatively a young man) and a period when talents such as his were most wanted by his party and his country. Notwithstanding his supposed mistake in having joined a Conservative government, the Liberals were always willing to receive their old leader back with outstretched arms—ready to forgive and go along again with him over the old road, and, to a man, would have held to him had he made a stand against Sir Edmund Head, and told him—‘thus far and no farther shalt thou go’.”

Many of Wilmot’s friends regretted that he should have accepted the office of judge on the conditions under which it was offered. They thought

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that as attorney-general he was entitled to the position of chief-justice, and that in consenting to take the puisne judgeship he had lowered himself. It is hardly necessary to discuss a question of this kind at the present day. No doubt he had reasons of his own for retiring from the arena of politics. The work he had been doing for the public had placed a great strain upon him and interfered with his legal business to a very serious extent. He was never a wealthy man, and had therefore to consider his own future, while a position on the bench was one of honour and dignity which was regarded as worthy of acceptance by any member of the legal profession.

There was nothing worthy of note in the career of Mr. Wilmot as a judge. He was never considered to be a deeply read lawyer, but he filled the office of judge with dignity and general acceptance. His duties were not sufficiently arduous to prevent him from having leisure to engage in other lines of inquiry, for his mind was much interested in questions connected with science. He frequently appeared on the lecture platform and always with success.

When confederation was accomplished, it was felt that of all the natives of New Brunswick he was the most worthy to be appointed its first lieutenant-governor under the new régime. Judge Wilmot himself was willing to accept the office as a fitting close to his long and active career as a public man;

OTHER ACTIVITIES

but for some reason, which it is now impossible to ascertain, the appointment was not made until about a year after confederation. Judge Wilmot became lieutenant-governor on July 23rd, 1868, and continued to hold that honourable and important office until November 14th, 1873, when he was succeeded by the Hon. S. L. Tilley.

So far, we have been considering Wilmot as a politician and member of the legislature, but a very imperfect idea of his character would be gathered from regarding him merely in these capacities. He was a many-sided man, and had other interests which occupied his attention as much as, or more than, those public questions to which he devoted so much of his vigour. It has already been stated that his father was a member of the Baptist Church, and one of the founders of the church of that denomination in Fredericton. It does not appear that the son ever identified himself with that Church, or that while a youth he gave much attention to religious matters. It was not until after the death of his first wife, which took place in 1833, that he became affected by religious influences and began to attend the services of the Methodist Church, the pulpit of which was then filled by the Rev. Enoch Wood, a man of much ability and eloquence whose style of oratory was very impressive. Under his ministrations Mr. Wilmot became a convert, was baptized and joined the Methodist Church in Fredericton, and from that time until the close of his life

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he was a very prominent figure in it. He filled the office of superintendent of its Sunday School for upwards of twenty-five years, and was the leader of the church choir for thirty years. When he was appointed governor it was thought that he would give up these offices, but he still continued to fill them, and was superintendent of the Sunday School up to the day when his life came to an end. He always took a great interest in questions relating to the Bible, and frequently lectured on topics connected with it. He vehemently opposed the teachings of Darwin and others who followed the same line of inquiry, and he stoutly maintained that wherever the Bible and science were in conflict, science was in the wrong. He seems to have been, from first to last, an unquestioning believer in the doctrines of the Christian religion, and he viewed with great disfavour any one who ventured to question any part of its creed. As a lecturer he was eloquent and though discursive, always interesting. None of his lectures were written, so that to-day they are only a fading memory to those who heard them delivered. Though found acceptable at the time, it is hardly likely that, if delivered at the present day, they would enjoy so high a degree of popularity. People are not now so willing to accept sweeping assertions which are in conflict with the conclusions of scientific men who have devoted their lives to a patient study of the phenomena of life and the records of creation.

INTEREST IN MILITARY MATTERS

One of the most pleasing features of Judge Wil-mot's character was his fondness for children. He was never so happy as when among the young people, and long after he became a judge he took an intense interest in drilling the schoolboys and instructing them in all martial exercises ; indeed, he seemed to be quite as much devoted to this work as he was to any other of his numerous employments. When a very young man, he became an ensign in the first battalion of York County militia, and speedily rose to be captain. When the so-called Aroostook War¹ broke out in 1839 he was major of a company of rifles attached to that battalion, and he volunteered for active service at the front. His interest in military matters continued

¹The Aroostook War arose out of the unsettled boundary question between Maine and New Brunswick. There was a large area on the St. John River, the ownership of which was in dispute, and in 1839 the difficulty came to a head in consequence of the governor of Maine undertaking to solve the question in his own way by taking possession of the territory. Governor Fairfield, of Maine, sent eighteen hundred militiamen to the front and Sir John Harvey, the governor of New Brunswick, issued a proclamation asserting the right of Great Britain to guard the territory while it was in dispute, and calling on the governor of Maine to withdraw his troops. Fairfield denied the right to issue a counter proclamation and called on the state for ten thousand men. Sir John Harvey then sent Colonel Maxwell with the 36th and 69th Regiments and a train of artillery to the upper St. John to watch the movements of the militia. A large force of New Brunswick militia was also embodied and sent to the front. Fortunately, President Van Buren sent General Winfield Scott to Maine with full power to settle the difficulty. He got into a friendly correspondence with Sir John Harvey, which led to an understanding by which the troops on both sides were withdrawn and all danger of war averted. The boundary question was afterwards settled by the Ashburton Treaty.

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until a late period, and, in the first military camp organized in the province by the lieutenant-governor, the Hon. Arthur Gordon, in 1863, he commanded one of the battalions. If Wilmot had not been a politician and a lawyer, he might have been a great evangelist or a great soldier.

Judge Wilmot was very fond of flowers, and the beautiful grounds at Evelyn Grove, where he resided, were looked upon as the finest in the province. Nearly every visitor to Fredericton found his way to that charming place and was sure of a cordial welcome from the judge, who delighted to show strangers what he had been able to accomplish in growing flowers and rare plants. Not the least interesting feature of such visits was the conversation of the host, who abounded in knowledge of horticulture, and was always ready to give others the benefit of his information. It was in this lovely retreat that the last years of Mr. Wilmot's life were passed. When his term as governor expired, the government of Canada very properly gave him a pension as a retired judge. In 1875 he succeeded the Right Hon. Mr. Childers, as second commissioner under the Prince Edward Island Land Purchase Act. He was nominated as one of the arbitrators in the Ontario and North-West Boundary Commission, but did not live long enough to act in that capacity.

During the last two or three years of his life he suffered much from chronic neuralgia, which some-

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times prevented him from stirring out-of-doors. No serious result was anticipated, and he was generally able to take active exercise and engage in his usual routine of duty. On Monday, May 20th, 1878, while driving in his carriage with his wife, he complained of a sudden and severe pain in the region of the heart. He was at once driven home and a physician summoned, but in a few minutes he passed away. He had not quite completed his seventieth year. His death evoked expressions of regret and sympathy from every part of the province, and tributes of respect and admiration from many who resided in other parts of Canada and in the United States.

Judge Wilmot was twice married. His first wife, whom he married in 1832, was Jane, daughter of Mr. James Balloch, of St. John. She died very soon after their marriage, and in 1834 he married Miss Elizabeth Black, daughter of the Hon. William Black, of Halifax, and granddaughter of the Rev. William Black, who is regarded as the apostle of Wesleyan Methodism in the Maritime Provinces.

In estimating the character and achievements of L. A. Wilmot, regard must be had to the conditions under which the battle for responsible government was fought, and the peculiar difficulties he had to face. He had not only to contend against governors determined to use their power to the utmost, an immovable legislative council and a

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reactionary executive, but he had to attempt to inspire with something of his own spirit a House of Assembly which had but little sympathy with his views. That he did not accomplish more is less a matter of surprise than that he accomplished so much. With heavy odds against him, he contended for the rights of the people and the improvement of the constitution, and he lived to see the principles for which he had fought so firmly established in his native province that they can never be disturbed.

It was never his good fortune to be the leader and master of a government or to have a free hand in the work of legislation. We are therefore left in the dark as to what he might have accomplished under more favourable conditions. Yet there is but little doubt that, had he remained in public life, the progress of Reform would have been greatly accelerated, and that such important measures as the establishing of free schools would have been brought about much earlier than was the case without his vigorous support. The faults of Wilmot were those that belong to an ardent, enthusiastic and liberty-loving temperament. He hated injustice in every form, and in his denunciation of evil he was sometimes led to use stronger language than men of cooler feelings approved. In this way he aroused opposition and left himself open to attack. Yet it is doubtful whether the censure of his enemies was as injurious as the flattery of some who professed to be

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his friends, and who were ready to applaud whatever he said or did. Being accepted as a leader when a mere youth because he had made a few eloquent speeches, he missed the wholesome discipline which most men have to undergo before they achieve fame. He would have been a greater and wiser man if he had been spared the unthinking flattery which was too lavishly bestowed upon him. Yet, after all has been said by those who would seek to minimize his merits, the fact remains that this son of New Brunswick stood for years as the foremost champion of the rights of the people, and that it is impossible to deny him a place among the great men who have assisted to build up Canada.

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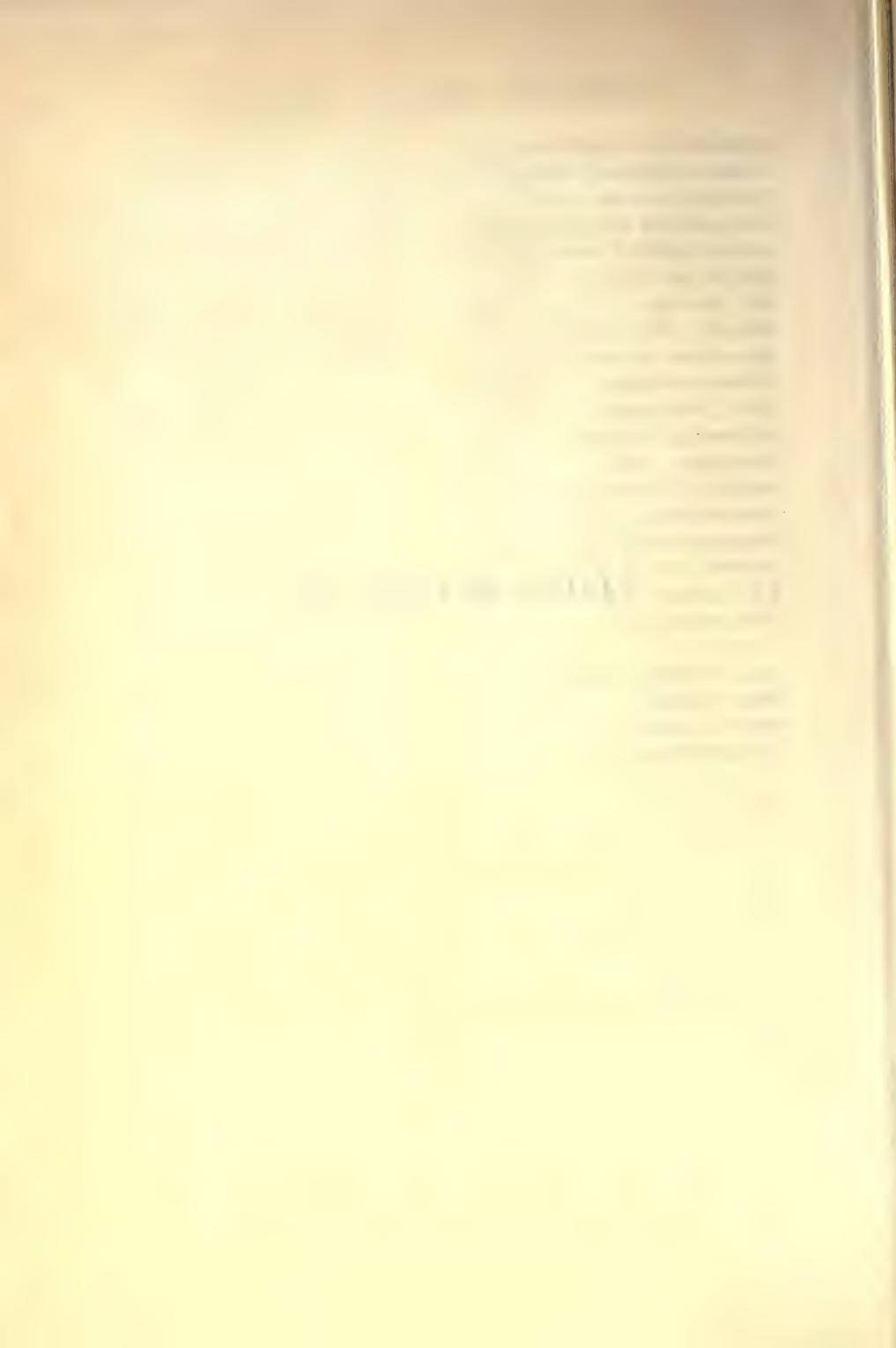
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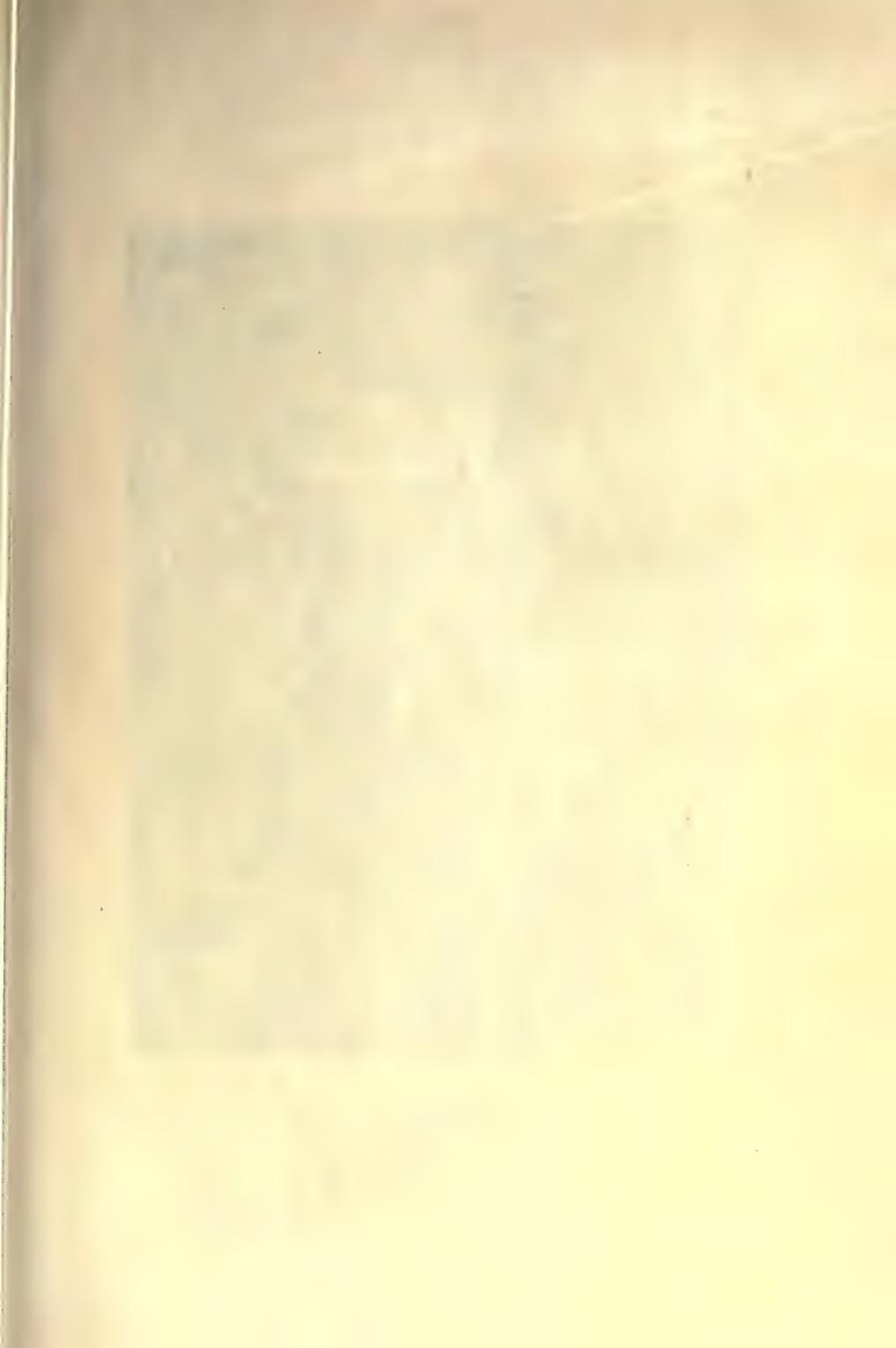
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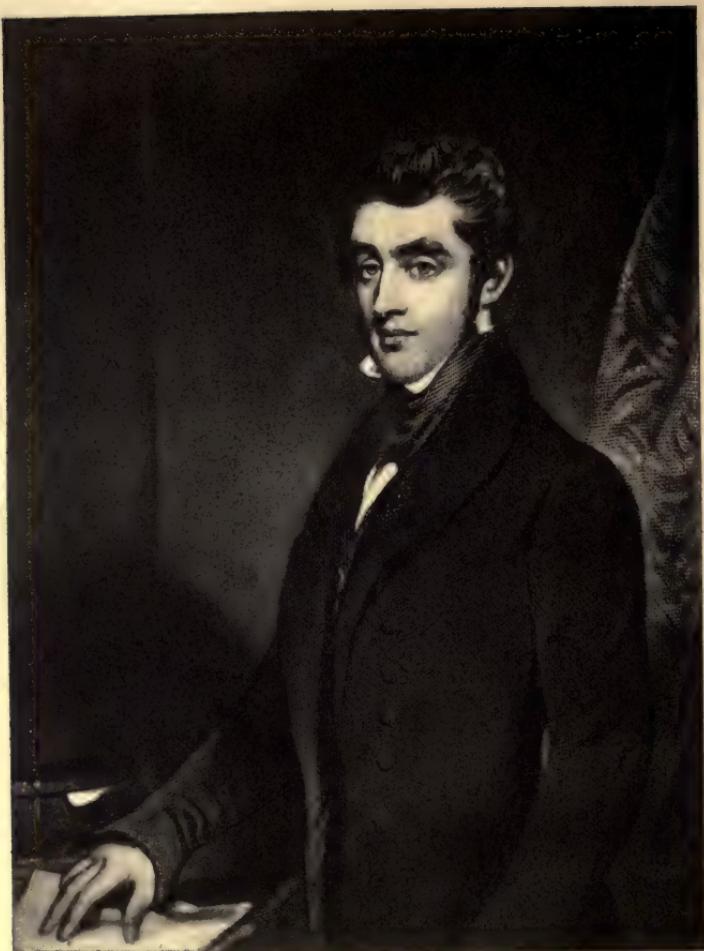
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LORD SYDENHAM







John W. Thompson

Sydenham

THE MAKERS OF CANADA

**LORD
SYDENHAM**

BY

ADAM SHORTT

**TORONTO
MORANG & CO., LIMITED
1912**

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the year 1908 by Morang & Co., Limited, in the
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PREFACE

THE present volume, with the exception of the portion dealing with the earlier years of Lord Sydenham's life, is based entirely upon first-hand materials, many of which are still in manuscript in the Canadian Archives. The facts for the earlier portion of Lord Sydenham's career have been taken mainly from the memoir of his life, drawn from family papers compiled by his brother G. Poulett Scrope, and published in 1843. The same volume contains a narrative of Lord Sydenham's administration in Canada, prepared by his civil secretary, Mr. W. T. C. Murdoch, and includes several important private letters to members of his family and to other friends, particularly Lord John Russell. From contemporary newspapers and other periodicals and pamphlets, British and Canadian, has been derived much important information, as also from the British and Canadian blue books of the period. The most important sources, however, as revealing the inner policy of the colonial office and of the Canadian governor, are found in the private and confidential despatches between the colonial secretary, Lord John Russell, and Lord Sydenham, as also in the correspondence with various parties in Canada contained in the letter-books of the Governor and the civil secretary. The manuscript volumes containing these papers have been lately

LORD SYDENHAM

transferred from the office of the governor-general to the Canadian Archives, and are now included in the G Series of the Archives collections.

Owing to the nature of the series in which this volume appears, special references to authorities are not given in foot-notes, but, wherever possible, the most important statements are given in the words of the original documents.

In treating the life of Lord Sydenham as one of the "Makers of Canada" only those events have been dealt with which had a more or less direct bearing upon his training for the important duties which awaited him in Canada, or which were connected with his many-sided activities as governor-general of British North America.

Ottawa, October 19th, 1908.

A. S.

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CHAPTER I

EARLY YEARS AND FOREIGN TRAVEL

THE place of Lord Sydenham as one of the makers of Canada is somewhat unique. That a stranger to Canada, occupying the position of governor-general for less than two years, should have exercised so decisive an influence on the political destinies of the country, implied the conjunction of notable personal qualities and an important national crisis. It implied, on the one hand, a very critical condition of the vital interests of the country, the balancing of great forces in a condition of unstable equilibrium susceptible of being committed to any of several different futures. On the other hand, it implied certain striking qualities of personality, which fitted the governor to handle firmly, yet discreetly, difficult and complex situations, in such a manner as to bring confidence out of uncertainty, and commit to a definite and logical development a conflicting mass of dangerous and fateful forces. Looked at from the point of view of its significance for Canada, Lord Sydenham's life, before his appointment as governor-general, is interesting chiefly as showing what were the original qualities of his personality, and what activities and influences shaped their development and prepared

LORD SYDENHAM

him to deal with the critical situation which he had to face, not only in Canada, but in other British provinces of North America.

In comparing the details of his life with those of previous Canadian governors, we recognize that though his predecessors numbered among them several very able and conscientious men, yet in no case did their social surroundings and practical experience before assuming their duties in Canada prepare them to take a really intelligent and sympathetic view of the political, economic, and social conditions with which they were to deal. As a rule, they failed to estimate at all correctly the actual needs of the colony, or the probable future which was in store for it. In these respects Lord Sydenham's previous training and experience gave him a great advantage over his predecessors. Not only his personal inclinations, but his business and political associations had prepared him to be much more intelligently responsive to Canadian conditions than the majority of that class of Englishmen from which colonial governors were commonly chosen.

The fact that he was the spontaneous choice of the city of Manchester as its representative in the House of Commons signified much, for Manchester was the most typical of those enlightened and enterprising centres of English industry which gave to Britain her unique supremacy during the nineteenth century. It was the special centre also of

AN ENLIGHTENED REFORMER

those liberal and progressive ideals looked upon at the time as almost revolutionary in their radical optimism, but now regarded as the commonplaces of daily practice. Lord Sydenham, as we shall see, was in thorough sympathy with these new and enlightened ideals, and yet, as a man of wide experience of the world and its movements, he was not so radical in details as some of his friends and supporters, nor so impatient with existing conditions as to demand that the necessary reforms should be put in practice immediately and completely. He recognized that that was most likely to endure which was accomplished gradually, and which carried with it the support and confidence of the intelligent body of the people.

As a statesman and cabinet minister, Lord Sydenham frankly professed his allegiance to the new standards of liberty and responsibility, even when it involved public disagreement with some of his ministerial colleagues. Some of these colleagues were to live to see his aspirations carried into practice by those who were at that time political opponents. In the light of the influence which Lord Sydenham was to exercise on the future of Canadian political development, these features of his life and character are of much interest and importance. We shall consider, therefore, more particularly those circumstances and incidents of his earlier career which prepared him for his work in Canada. It will be necessary also to trace, in outline at least, the

LORD SYDENHAM

conditions which led up to the crisis in Canadian affairs which furnished at once the need and the opportunity for a man of Lord Sydenham's qualities. Having furnished a sketch of the man and of his problem, we may then follow with some detail his conduct of Canadian affairs.

One of those large and permanent mercantile establishments characteristic of the stability and integrity of British trade, and partaking in the permanence of its connections and the respectability of its traditions something of the character of the aristocratic institutions of the country, was the firm of J. Thomson, T. Bonar & Co. of London. For upwards of a century this house had been engaged in the Russian-Baltic trade, one of the oldest of the British mercantile connections, and had its regular establishment in St. Petersburg as well as in London.

The heads of such important trading-houses were pretty certain to be connected sooner or later with the British aristocracy, which in no small measure has been indebted to these alliances for the maintenance of its wealth and its physical and mental vigour. John Thomson, father of the future Canadian governor, added to his name, in 1820, that of Poulett in memory of his mother, the heiress of one branch of the ancient family of Poulett in Somersetshire. He married in 1781 the daughter of Dr. Jacob of Salisbury. Charles Edward Poulett Thomson, afterwards Lord Sydenham, was born at

PERSONAL INHERITANCE

Waverley Abbey in Surrey on September 13th, 1799. He was the youngest of nine children. His mother being in poor health at the time of his birth, he entered upon life with a somewhat impaired constitution, which greatly hampered him in later years, and contributed to his early death.

Even as a child he was noted for his natural gifts of grace and beauty, which afterwards assisted in no small degree in winning the favour and support of those who are essential to majorities, but are more susceptible to manners than to methods. His earlier education was obtained chiefly through private schools and tutors, and in the fateful year of Waterloo, at the early age of sixteen, he entered upon the practical education of life in the St. Petersburg office of his father's firm. There he remained for upwards of two years, enjoying the freedom and educative influence of what was at that time one of the most interesting social centres in Europe.

His connections gave him the entrée to the most distinguished society of St. Petersburg, and his personal qualities gained for him the special intimacy of such interesting and highly cultured members of the Russian nobility as Count Woronzoff, Russian ambassador to England during the period of the French Revolution, Count and Countess Sabloukoff, special friends of his family, and the Princess Galitzin. All of these were highly cultured people, thoroughly versed in European politics and

LORD SYDENHAM

diplomacy, and patrons of art and letters. In such society, at his impressionable age, young Thomson's natural charm of manner was specially cultivated. Nor was his general education neglected, for he maintained an intimate correspondence with his former tutors, and received from them valuable counsel as to his studies. Owing to illness he returned to Britain in the autumn of 1817, and immediately afterwards accompanied his mother and two youngest sisters to Nice, where the winter was spent. The following summer was devoted to European travel, and the next winter was passed at Naples. Another tour through the south and west of France occupied much of the following summer. Having availed himself of the varied educational advantages to be derived from travel, and his health being fully restored, young Thomson once more returned to mercantile pursuits in the London house.

The interesting experiences, however, of his life in St. Petersburg, and the social and other advantages which he had enjoyed in foreign travel, rendered it difficult for one of his eager temperament to settle down immediately to the routine of mercantile life. His tastes and experience inclined him strongly towards a career in diplomacy. His extensive acquaintance with European languages, particularly Russian, French, German, and Italian, his refined manners and courtly address, and his intimate associations with several important per-

IN BUSINESS AT ST. PETERSBURG

sonages in the diplomatic service, rendered his choice a very natural one, and gave reasonable promise of success. But, amid the many claims for such positions at that time, his influence was not sufficient to procure him a suitable appointment, and his failure did much to reconcile him to a life of business to which he now seriously devoted himself. Having acquired a thorough familiarity with the details of the business in London, he returned, in 1821, to the office of the firm in St. Petersburg, with a share in the management and profits of the business. Taking the land route by way of Berlin and Riga he improved his practical knowledge of the business and resources of the districts and cities through which he passed. In St. Petersburg he resumed his acquaintance with its literary and diplomatic circles, making full use of his opportunities for extending the range of his knowledge and culture.

Still eager for travel and observation, he spent the winter and spring of 1822-3 in a journey to Moscow and central Russia, including Kiev and Orel. In the course of this journey he enjoyed the hospitality of several of the Russian nobility in their country houses. On the 1st of August, 1823, he undertook another journey through the southern and eastern provinces of Russia. Among other places he visited the famous fair of Nishni Novgorod, an exchange centre for the overland trade of Europe and Asia, and the last survivor of the

LORD SYDENHAM

great European fairs which at one time controlled the trade of the continent. Embarking on the Volga at Nishni Novgorod, he followed the whole course of that great Russian waterway, stopping from time to time to visit Tartar tribes and Catholic and Protestant colonies upon its banks. After a short stay at the historic city of Astrakhan at the mouth of the Volga, he retraced his route as far as Tzaritzin, crossed to the Don, and descended that river to Tcherkask, reaching the Sea of Azov at Taganrog. From there he visited the Caucasus, and returning by the Crimea arrived at the seaport of Odessa about the middle of November. Thence he took the great highway through southern Russia to Poland, via Brody and Cracow, and on to Vienna, amid whose brilliant society he spent the remainder of the winter of 1823-4.

The journals kept by this ardent young traveller indicate the intelligent thoroughness with which he studied the social and economic conditions of the countries through which he passed, steadily adding to those funds of knowledge and experience which he afterwards put to such effective use as president of the Board of Trade in the British cabinet. Leaving Vienna at the end of April he reached Paris only in time to attend the bedside of his dying mother. Returning to London with an experience of men and affairs quite unusual for a young man of those times, he devoted himself steadily for some years to the business of his firm,

THE LURE OF SPECULATION

sharing the management with his elder brother and partner, Andrew.

The long depression which followed the close of the great European wars ending with Waterloo, was slowly dissolving, in the early twenties, before the thrift and industry of the people. In Britain in particular capital was being once more accumulated beyond the needs of immediate industry. In consequence, the rate of interest declined, credit was re-established, and opportunities were being sought, both within and without the country, for the employment of surplus funds. Conditions were propitious for the launching of new enterprises. Those first started were, for the most part, singularly fortunate, and these examples lent impetus to the new movement. There was little or no experience to warn against over speculation, and the natural consequences followed. The new speculative movement was flowing with a strong current when young Thomson returned from Europe and entered actively into business.

Among the most promising foreign investments were those connected with British companies formed to exploit the reputedly rich mines of Central and South America, regions just liberated from the yoke of Spain and having their independence recognized by Canning. In fact, the first great speculative fever of the nineteenth century was upon the country. The ardent and optimistic nature of young Thomson could not but respond to the

LORD SYDENHAM

all but universal wave of speculation which swept through the land. As Tooke tells us in his *History of Prices*, "Princes, nobles, politicians, placemen, patriots, lawyers, physicians, divines, philosophers, poets, intermingled with women of all ranks and degrees (spinsters, wives, widows)—hastened to venture some portion of their property in schemes of which scarcely anything was known except the names." Fortunately for the ardent young merchant his elder brother and partner, Andrew Thomson, strongly deprecated his engaging in such speculative ventures. Hence, though he entered actively into the direction of several of the American mining companies, his losses when the crash came were not so great as they might otherwise have been. The results of the great panic towards the close of 1825 furnished a sharp but salutary lesson which added a new phase of experience by no means lost upon the future Canadian governor.

CHAPTER II

ENTRY UPON PUBLIC LIFE

THE more permanent developments in the reawakening of British industrial and commercial enterprises had brought to light the repressive effects of Britain's foreign trade policy. As a result, several of the younger and more progressive of British thinkers and statesmen revived and expanded the policy which had been advocated by Adam Smith and accepted by Mr. Pitt and other enlightened British statesmen. At their time, however, the French Revolution bursting upon the world had paralyzed for nearly forty years every Liberal and progressive movement in Britain. Sydney Smith has given us in his picturesque language a glimpse of the intellectual and political blight which had fallen on England during this period. "From the beginning of the century to the death of Lord Liverpool, was an awful period for those who ventured to maintain Liberal opinions; and who were too honest to sell them for the ermine of the judge, or the lawn of the prelate. A long and hopeless career in your profession, the chuckling grin of noodles, the sarcastic leer of the genuine political rogue; prebendaries, deans, bishops made over your head; reverend renegades advanced to the highest dignities of the Church for helping to rivet the

LORD SYDENHAM

fetters of Catholic and Protestant dissenters; and no more chance of a Whig administration than of a thaw in Zembla. These were the penalties exacted for liberality of opinion at that period; and not only was there no pay, but there were many stripes."

Among the first to effect a break in this Conservative reaction was William Huskisson, who became president of the Board of Trade in 1823. He made several very strong attacks upon the classic Navigation Acts and tariff anomalies, with the result that the former were greatly relaxed and the latter much amended. But the criticisms which Huskisson made and the convincing arguments which he brought to bear upon the whole commercial policy of the country, were far more wide-reaching than the measures which he succeeded in passing. They started an active discussion throughout the country, which was steadily maintained until the present system of free trade was finally adopted as a national policy. This new and vital discussion, which did so much to revive the intellectual life of the whole country and to reanimate the decadent spirit of British politics, naturally attracted the attention of the young merchant engaged in international trade, and who had given so much attention to the practical study of economic conditions in different countries. As a result of his studies and observations, Poulett Thomson had been led of his own accord to take a broad and

REFORM CANDIDATE AT DOVER

liberal view of these new political issues, notwithstanding that the family traditions were quite of an opposite character. He thus found himself in perfect sympathy with the new movement led by Huskisson, and soon made the acquaintance of such exponents of the new principles as John Stuart Mill, Dr. Bowring, Jeremy Bentham, Henry Warburton, and Joseph Hume. He studied political economy with McCulloch, and frequently attended the discussions at the recently established Political Economy Club. His temperament was such that whatever he identified himself with he pursued with great zeal. He was filled also with a strong but wholesome ambition which ever spurred him on to larger ideals of self-realization. His ardour in the interest of the new Liberal movement, his wide experience and practical capacity, and the admirable training of natural gifts which eminently fitted him for public life, all suggested his peculiar fitness as an exponent of the new ideas in parliament. In the summer of 1825, through the instrumentality of Dr. Bowring, he was approached by representatives of the Liberal element in the borough of Dover with a proposition that he should become their candidate at the next election. These advances coinciding with his own inclinations, he immediately accepted the suggestion, issued an address to the electors of Dover about the middle of September, and was busily canvassing the constituency during the following winter. In this movement he

LORD SYDENHAM

was actively supported by his new friends of the utilitarian school. Bowring industriously assisted in his canvass, and even the shy and retiring Bentham, high priest of the new school, became so enthusiastic in his cause that he removed for a time to Dover and actively canvassed for him, much to the astonishment of those who knew his normal disposition. On the other hand, his own family regarded this new departure in politics in much the same light as his excursion into mining speculation, treating it with similar remonstrances and discouragement. However, the tendency to self-reliance and self-confidence, which had been fostered by his early contact with the world, was proof against all disapproval and obstruction on the part of his relatives.

Political contests in those days of unreformed parliaments were costly affairs, and such expenses following immediately on his losses in the speculative mania were severe drains upon his business capital, and naturally very annoying to his brother Andrew who was his business partner. Moreover, his enthusiastic prosecution of his political canvass was not favourable to the steady pursuit of business and was an additional incentive to exasperation on the part of his brother, who went so far as to threaten a dissolution of partnership. His political friends, confident of success, had promised him a comparatively inexpensive contest, but once they were into the thick of it the opposition was found

POLITICAL PRINCIPLES

to be unexpectedly vigorous. This, however, only served to reveal the characteristics of the future minister and Canadian governor. He spared neither his energies nor his purse, the latter suffering severely through the need for bringing in non-resident voters, these being the days of open voting and long-drawn polling. The election lasted ten days, and although the ardent young Liberal candidate was successful, it was at a pecuniary sacrifice of at least three thousand pounds. He took his seat in parliament on the 18th of November, 1826.

Once in the House, he soon had occasion to declare his principles. One of his earliest votes was in favour of the reduction of the duty on corn, in which, however, he and his associates were in a hopeless minority. The movement, which within the next ten years was to convert the nation, was still in the hands of a few courageous pioneers. For a time Mr. Thomson took little part in the debates of the House, devoting his time to a study of his new environment, its characteristics and susceptibilities.

For some years the ministry was in a very unsettled condition. When Thomson entered parliament Lord Liverpool was prime minister, and William Huskisson was president of the Board of Trade, having succeeded that stout advocate of the Corn Laws and the Navigation Act, F. J. Robinson, afterwards Viscount Goderich and Earl of Ripon. In 1827 Lord Liverpool resigned, and

LORD SYDENHAM

Canning, foreign secretary since 1822, succeeded him as prime minister. This caused the resignation of the Duke of Wellington, Robert Peel, and Lord Eldon. But within four months Canning died and was succeeded by Robinson, then Lord Goderich, under whom Huskisson was appointed colonial secretary, and Charles Grant, afterwards Lord Glenelg, became president of the Board of Trade. Within another few months Lord Goderich was forced to resign, and Wellington and Peel returned to office, January, 1828, with the Duke as prime minister and Peel as home secretary, Huskisson and Grant still retaining the colonial office and Board of Trade, but later in the year they went out with Palmerston. Sir George Murray then became colonial secretary, and Charles V. Fitzgerald president of the Board of Trade.

These rapid changes, occurring within the first couple of years of Poulett Thomson's parliamentary career, presented many interesting object lessons in political combinations and adjustments, which were not lost on the young politician. That they were not inspiring, however, may be gathered from an extract from a letter to his brother in February, 1828. "Now and then it occurs to me that some ten or fifteen years hence, when I am broken in health, in constitution, and in spirits, and disappointed in both fortune and ambition,—which must happen, I am aware, for who has not been?—I shall envy your position, and regret the useless

QUALITIES IN DEBATE

waste of time, health, and money of the present day."

Though seldom taking part in the debates, when he did speak it was on questions with the concrete facts of which he was familiar. Thus when it was proposed to employ the weapon of retaliation by specially taxing corn imported from countries imposing high duties on British goods, he was able to show from his practical knowledge of Russian conditions how injurious such a policy would be as affecting British trade with that country.

His first important speech was delivered in May, 1827. It was in a debate on the state of the British shipping interest, and was in support of Mr. Huskisson's policy which favoured the relaxing of the Navigation Acts. The speech made a very favourable impression upon the House, and Mr. Huskisson alluded to it as follows: "The debate has afforded to the honourable member for Dover an opportunity of manifesting an extraordinary degree of acuteness and knowledge in respect to the commerce and navigation of the country, and of stating his information in a manner which must, I am sure, have made the most favourable impression on the House." In referring to the success of his speech in reply to congratulations, he made the following acute observation: "A man who tells the House *facts* with which the majority are unacquainted, is sure to be listened to, and the reputation for doing so will procure him attention upon other

LORD SYDENHAM

points on which he, perhaps, does not deserve it."

During the same session, on the 14th of June, Mr. Poulett Thomson first brought to the attention of the House of Commons the proposal to adopt voting by ballot in parliamentary elections. At that time, however, such a proposition was regarded as utterly un-British. Another measure introduced by him and doomed to immediate defeat, though equally certain of a complete triumph at a later date, was a bill for the repeal of the Usury Laws. This he advocated with much ability in a speech which revealed his capacity to handle monetary and financial problems. In later years as governor of Canada he was specially called upon to deal with such matters.

His voice and vote steadily supported the cause of civil and religious liberty, and during the session of 1828 he supported Lord John Russell's motion for the repeal of the Test and Corporation Acts. In the following session of 1829 he scored another triumph in a speech in favour of Mr. Huskisson's policy for greater freedom of trade in the silk industry. His speech as usual was replete with new, accurate and effective information, presented in an interesting manner, and stated with great clearness and force. He was thoroughly convinced, on grounds alike of principle and practice, of the wisdom of a policy of free trade for a country like Britain, filled with native energy and potential enterprise, and capable

WISDOM IN REFORM

therefore of indefinite expansion were only the artificial trammels upon foreign and domestic trade removed. He was inclined, indeed, to go much further in his advocacy of freedom of trade than Mr. Huskisson himself, encumbered as he was with the responsibilities of office and the need for getting measures through parliament. Nevertheless, the pioneer work being done by such members as Poulett Thomson brought new and hitherto untried regions within the range of practical politics, and by educating the public mind in advance prepared them to accept, if not to demand, the next steps in progress.

At the same time he fully recognized the necessity, and therefore the wisdom, of treating the people to be educated in a conciliatory spirit. The contrast in manner between himself and some of his more doctrinaire friends is well brought out in his reply to one of them:—

“ **MY DEAR**—, I see Black has put your effusions into the ‘ Chronicle.’ I like your doctrine very well, but you fall into the line of which my friends the utilitarians are but too justly accused, and which with you, as with them, will go farther to defeat the extension of your principles, than your reasoning will go to establish them. You, like them, begin every discussion by telling those who differ from you that they are d—d fools, not exactly the way to put them in an humour for cool argument. You seem besides to have formed a most erroneous

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judgment of the facility with which any improvement can be carried into effect. To propose, to legislate, and to act on your law, you seem to think follow one another as glibly as cause and effect. Why, God bless you, the majority of the House of Commons, aye, 600 of the 650 senators, are opposed upon principle to any change, be it what it may; and a whole session could be readily spent by them in considering whether they had better consider."

We find, however, that such uncompromising Radicals as Cobden regarded his slower educational methods with a good deal of impatience and criticized his diluted radicalism with customary vigour.

In 1829, when still only thirty years of age, Poulett Thomson found himself suffering from severe attacks of constitutional gout, a malady which afterwards gave him much trouble. Desiring rest and change of air he resolved to spend the winter in Paris, where during numerous visits he had acquired a number of distinguished friends in political and diplomatic circles. There he found an interesting group of publicists who sympathized with his views as to the desirability of a freer international trade. Among these were M. B. Delessert, the philanthropist and naturalist who was a member of the Chamber of Deputies, noted also as having established the first industry for making sugar from beet-roots; M. DeBroglie the nobleman and statesman who was to play such an important

FRENCH FRIENDS

part in French politics, domestic and foreign, within the next ten years; M. De St. Julaire the bright and witty diplomat, afterwards ambassador of France at the court of Vienna. He was also a frequent visitor in the family circle of Louis Philippe, Duke of Orleans, who was to find himself within another twelvemonth on the throne of France. Poulett Thomson had hoped to enlist the high influence of the duke in favour of a more liberal international policy. No doubt so far as personal inclination went he had the duke's sympathy while prince, and even as king, but the condition of France was not that of England. In Paris, ideas propagate rapidly, but in France social and economic conditions alter very slowly, and this the future president of the Board of Trade was afterwards to discover.

On the eve of the great Reform Act of 1832, Poulett Thomson, though usually confining his attention in the House to matters of trade and commerce, took part in exposing the anomalies and inequalities of the existing system of parliamentary representation. He devoted particular attention to the case of the Duke of Newcastle, who was accustomed to dispose of the electoral liberties of Newark in a very high-handed manner, and who, when his methods were criticized, replied with righteous indignation, "May I not do what I choose with my own?" Even in the reformed parliament which followed, it was this same con-

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stituency of Newark which the duke placed at the disposal of young Gladstone, whose fervent denunciation of reform, within the safe precincts of the Oxford Union, had captured the heart of the old nobleman.

Returning to his special field, Poulett Thomson, in March, 1830, moved for a committee on the expediency of making a general revision of the national system of taxation. In an exceedingly able speech, comparable only to some of Mr. Gladstone's efforts in similar lines, he dealt with the whole field of British taxation. Marshalling his large army of facts, figures and authorities, he marched them in perfect order and harmony in the most interesting evolutions across the whole plain of British fiscal policy, and finally massed them in the most effective support of a practically unanswerable conclusion. His language was dignified, yet simple and direct; his diction was elegant, yet natural and easy. For so young a man his range of knowledge was astonishing. He was familiar at once with the economic history of Britain and of the other states of Europe, as also with the existing conditions of the chief commercial countries of the world. He pointed out that the existing system of taxation, with the exception of a few special changes lately made, had simply persisted as Pitt had left it. But Pitt had been forced to raise revenue on the spur of the moment and from year to year, expecting every year of the war to be the last. He

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had, therefore, simply lived from hand to mouth, and was the last person to have claimed that he was establishing a permanent system of taxation. Following up scientifically the real incidence of existing taxation, he showed how costly the system was in that it drained the pockets of the people and impoverished industry far beyond the amount which was actually contributed to the exchequer. In his survey of the fiscal system and its pressure upon the raw materials of industry, he incidentally touched upon the timber duties. He pointed out that the single article of timber was burdened with a tax of £1,500,000 per annum in order to promote a special interest, and force the country to take an inferior timber from special sources in the colonies. This and similar criticisms of the colonial timber bounty were to be remembered against him when he came to Canada. He claimed that with lower duties and freer trade there would be a great relief and corresponding stimulus to industry, while the revenue would be enlarged by at least a half. In thus passing in review the fiscal system of the country he did not propose to introduce a sudden revolution, but he did desire that the wisdom of recasting the fiscal system should be acknowledged and that the work should proceed intelligently and systematically.

The mastery at once of principles and details which this speech revealed made it plain that when his party succeeded to power the government

would not have far to seek for a person to fill the presidency of the Board of Trade or, ultimately, the post of Chancellor of the Exchequer. As a matter of fact it fell to his lot to begin that systematic revision of the fiscal system of Britain which Mr. Gladstone brought to a conclusion with the systematic introduction of the income tax, a policy which both Huskisson and Thomson were already advocating as a substitute for the taxes then obstructing the trade and commerce of the country. No attempt was made to answer Thomson's masterly exposition, the principles of which were indeed accepted by the Chancellor of the Exchequer and many others on the government side. Mr. Peel, himself afterwards an exponent of similar views, avoided taking direction from the Opposition on such an important matter by claiming that to accept the motion would be to transfer the functions of the Chancellor of the Exchequer to a committee of the House.

CHAPTER III

VICE-PRESIDENT OF THE BOARD OF TRADE

THE unquestioned success which Poulett Thomson had scored in the House of Commons had already completely reconciled his friends to his new sphere of activity, despite the heavy expense of frequent elections during these unsettled years.

During 1830 several important events occurred. George VI died and was succeeded by William IV, necessitating a new election. Huskisson having met with untimely death, the suggestion was made that Poulett Thomson should be chosen to succeed him in the representation of Liverpool; but a strong local candidate coming forward, the idea was dropped. Finally, in November, 1830, the Duke of Wellington's government resigned and Earl Grey came in at the head of the first administration pledged to reform, though some of its members were not very ardent in that cause. Viscount Althorp was the new Chancellor of the Exchequer, and his high appreciation of Poulett Thomson's abilities led to his being offered the position of vice-president of the Board of Trade and treasurer of the navy.

With the death of Huskisson the public seemed to turn to Poulett Thomson as the natural successor of that distinguished advocate of large views

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and Liberal principles, and as the fitting representative of the rising commercial and industrial interests of the country. Moreover, Poulett Thomson, in addition to his wide grasp of economic conditions and needs, was much more tactful and discreet than Mr. Huskisson had been in dealing with the public, and especially with opponents. The president and nominal head of the Board of Trade in this ministry was Lord Auckland, who was, however, a very reticent and colourless minister, commonly understood to have been added to the cabinet more for ornament than use, it being necessary to have a few peers in the ministry of reform to give it an air of respectability. Poulett Thomson, therefore, was virtually head of the department, and represented it in the House of Commons. He became actual president of the Board in 1834.

Mr. Thomson's appointment made it necessary for him to withdraw from active participation in business, hence the partnership with his brother was dissolved. As he was re-elected without opposition, he immediately applied himself with characteristic energy to his new duties, seeking to realize in office what he had advocated in opposition. In practice almost every reform, from the very nature of the case, involves the sacrifice of some vested interest or pre-established claims. Thus, for instance, when during the war foreign alkalies were irregular in their supply, heavy duties

DIFFICULTIES OF FISCAL REFORM

had been imposed in order to foster the kelp fisheries on the north coast of Scotland from which a weak alkali was obtained. When, subsequently, trade had resumed its normal channel, the British soap industry found itself heavily handicapped by excessive duties on such articles as barilla, a crude soda-carbonate commonly brought from Spain or the Levant. When, as one of his first reforms, Thomson had secured a reduction of the duty on barilla, the Scottish landlords resented the fiscal change as fiercely as their English brethren did the suggestion of a reduction of the duty on corn. Such were the difficulties which the new president of the Board of Trade met with at every turn in his efforts to simplify and reform the complicated British fiscal system.

It was generally supposed, from the nature of their relations, that Lord Althorp's first budget, brought down on February 11th, 1831, contained a good many features which originated with the new vice-president of the Board of Trade. At any rate he obtained full credit for every interference with vested interests which it contained, and received due castigation from the disappointed monopolists. The proposed reduction on the timber duties was thrown out on a combination of certain ship-owners and colonial investors with the Opposition and with a considerable element in the ministerial ranks, who felt that if this were permitted to pass their turn might come next. Yet, when the Op-

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position came into power in 1841, their first budget contained a similar proposal, but though it shared the same fate it aided in preparing the way for the ultimate abolition of this very onerous preference granted by the Mother Country to the American colonies, and which in reality produced no corresponding advantage to the colonies, for it simply promoted the reckless and wasteful destruction of Canadian forests.

Poulett Thomson was now so completely absorbed in the intricate details pertaining to the financial and fiscal aspects of his office, that he took but little part in the great debates of 1831-2 on the Reform Bill. In this, however, as we have said, he was deeply interested, and two of his most intimate friends, Lord Althorp and Lord Durham, had a chief part in the framing of the bill.

He devoted special attention at this time to a commission appointed for the revision of the system of keeping the public accounts; of this Sir Henry Parnell was chairman, and his friend Dr. Bowring, the noted authority on financial matters, was secretary. As the result of their labours, the accounting of the British public offices was brought into harmony with the most approved methods of modern business. We shall find Lord Sydenham directing a similar and much needed revision in Canada.

In November, 1831, Mr. Poulett Thomson and Lord Durham went to Paris to follow up the

COMMERCIAL TREATY WITH FRANCE

previous informal discussions and to set on foot negotiations for a new commercial treaty with France. The joint commission named by the two governments consisted of Mr. George Villiers, afterwards Earl of Clarendon, and Dr. Bowring, representing England, and Messieurs Freville and Duchatel, representing France. The instructions for the British commissioners were drawn up by Poulett Thomson. There was not much difficulty, on the part of the commissioners, in arriving at a provisional agreement based on sound principles of international trade, but it was quite another matter to secure any actual alterations in the existing tariffs which might affect disadvantageously those interests which were at the time reaping profits at the public expense. The work of the commission continued at intervals until 1835, and though at the time only very limited concessions were secured, the way was prepared for much greater results later on.

In the course of his work at the Board of Trade, Poulett Thomson still found that on every hand he had to contend with special interests, domestic and colonial, which either stoutly resisted all attempts at reform, or, under reactionary influences, sought to restore anomalies which had been removed either in Mr. Huskisson's time or his own. In 1832, notwithstanding objections to all innovations in the tariff, he introduced and piloted through parliament an important measure effecting

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an extensive consolidation of the excise duties. The energy with which he threw himself into such work, involving as it did an immense amount of detail, naturally told upon his constitution. An item from his journal will indicate how great the strain was. *August 28th, Saturday.*—“A week of the hardest possible labour. I have not returned from the House any day till three o'clock; on Wednesday not till four. It is impossible to stand this! I find my body quite exhausted, and my mind equally worn out. All this week I have alternated between the Bank and Silk Committees, and then the House. On Wednesday I carried my Bill (the Customs Duties) through the Committee: was at it from five till two in the morning, nine mortal hours! I passed my Bill to-day, thank God!”

At the close of the session he made a tour through the manufacturing districts of the north of England and southwest of Scotland, acquiring a practical acquaintance with the typical industries of the country and the shipping centres of Glasgow and Liverpool.

The principles which he upheld in the House of Commons were so thoroughly appreciated by the electors of Manchester that he had been urged to offer himself as a candidate for that borough when first erected into an independent constituency as the result of the Reform Act. Though highly flattered by the proposals of his Manchester friends,

ELECTED FOR MANCHESTER

he doubted the wisdom of attempting to change his constituency. Hence, while expressing his high appreciation of the honour of representing such a borough, he declined to undertake the campaign, and once more declared himself a candidate for Dover. Even on such terms his Manchester friends continued to prosecute their canvass; the result was, that while he was elected at the head of the poll in Dover, he was also returned by a large majority as one of the members for Manchester. As this expression of esteem and confidence came to him chiefly in virtue of his political principles and parliamentary services from a constituency representing one of the most enlightened and enterprising sections of England, he naturally esteemed it a signal honour. It was the more gratifying in that, owing to the peculiar composition of the House of Commons and the unsatisfactory state of parties, conscientious attention to the public interest and the details of office were but indifferently appreciated in most parts of the country outside a limited circle of enthusiasts. Though loath to break the ties which had been formed with many supporters in Dover, he could not but decide to accept Manchester. Its great importance as the chief manufacturing centre in Britain gave him just that added influence and weight in the House and in the cabinet which was needed to support the commercial and fiscal reforms for which he stood.

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The borough of Manchester prepared to celebrate in fitting manner its new liberties and its new members. The speech of Mr. Poulett Thomson was worthy of the occasion. Undoubtedly the most vital issue before the country as a whole was the question as to how far the tide of reform which had been steadily rising for some years past was to be allowed to flow. Staunch Tories had consistently opposed it from the first, the more conservative Whigs, forming the chief body of the ministry under whose administration the Reform Act had been carried, had already said, "So far, but no farther," giving expression to their convictions in the famous "finality" dictum. On the other hand, the more doctrinaire Radicals, a steadily increasing element but with no very definite boundaries, saw opening before them an indefinite programme of democratic reforms, several of which appeared quite revolutionary to the more cautious statesmen of that day. It was the alarming programme of more reforms to follow which was chiefly responsible for the application of the "finality" brake by the Whigs who had passed the Reform Act.

It was this question of future reforms which the new member for Manchester frankly faced before his new constituency, which now heard him for the first time. He declined to accept either the Conservative or the Radical solution, but maintained that the correct policy was that of the open mind to sound ideas, and the open door for reasonable

MANCHESTER DOCTRINE

progress. But this, he held, implied a careful testing, by reference to the actual needs of the time, of every step in the series of progressive measures. Taking up in detail the questions of his own department, he proceeded to give concrete illustrations of urgent reforms which were yet to be undertaken. In the forefront he naturally placed the need for a more liberal commercial policy. Referring to the opposition which his efforts had hitherto met with, he says, "I have been for years exposed to all the shafts which malice or ignorance could point against me for the devotion which I have ever shown to these principles." And what were these principles? "They are the most perfect freedom of exchange—a fair field for our industries—and no restrictions, beyond what for fiscal purposes are necessary, upon the exertions of our manufacturers." He then outlined in concrete shape the whole argument which was years afterwards to free the trade of Britain from its trammels, and enable her to lead the world for another half century. The following extract from his speech will quite fully indicate the principles which he advocated, and the manner in which he presented them.

"But, say the advocates of this admirable recipe for getting rich by Act of Parliament, protection is necessary to secure our industry from foreign competition. What are the effects it has produced in this respect in this country? You see it illustrated at

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home in a manner which cannot fail to have been present to every man's mind long ere this. Let me ask you what protection has been given to that great manufacture which gives employment to hundreds of thousands—nay, to millions I may say—within the great district which encircles your city? What protection has the cotton trade had? I answer, none whatever! Unaided by any legislative enactment—unassisted by the fostering hand of power—unprotected by the custom-house book—this great manufacture has grown from an infant's condition until it has attained a giant's strength. We see it with one arm encircle the conquests of the New World, and with another shower its productions into the very heart of that country, the vast empire of India, which was formerly its successful rival, and extending and pushing forth the fruits of its industry even into the central regions of Africa, where no European foot was ever yet stamped. This, gentlemen, is the success which has attended a manufacture which was not the pet of the legislature. Let me now mark the course of another manufacture fenced round by protections of all kinds, equally a production of a foreign country—the raw material equally brought from a distance—and thus affording a fit comparison with that which I have named. What was the case with silk? Was protection wanting there? Were there no laws which restricted foreign competition—were there no penalties upon those who

LAISSEZ FAIRE

attempted to introduce it? And did all this protection, amounting to absolute and total prohibition, tend to make this branch of industry flourish and extend itself? Under the auspices of the coast blockade and the search warrant did it realize the theories of the protectionists? Was it found that that manufacture, rivalling and outstripping all its competitors in foreign countries, obtained an extension like its poorer and unprotected, but therefore more hardy, brother? No such thing—not only did it not attain the vigour which would enable it to reach foreign climes, but, in spite of your prohibitory laws—in spite of your penalties exacted from the unfortunate smuggler, it was met even in this country at every turn by its foreign competitors. In these two branches then, we may read the history of the fallacy of protection. My system, then, is this: Leave to industry a full and fair field—relieve us from your unwise protection—remove from us your well-meant but injudicious care—leave us alone, let our talent, our capital and our invention follow their free course, and what I see before me to-day removes, if I ever had, any doubt that we shall then have no rivals to fear, no competitors to dread. . . .

“I contend, and I have contended, that if we consent to take from foreign countries that which they produce, they must of necessity receive from us in payment our productions. They may raise up libraries of custom-house books—they may surround

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their territories with custom-house officers—they may fill their seas with cruisers—but, if we are to take anything from them, they must take from us in return. The principle, then, which I have advocated, is to follow out, straightforwardly, our own course, to remove the unnecessary restrictions and prohibitions from the productions of other countries, and to trust to one of two consequences resulting; either a sense of their own folly, which will induce them to adopt a better system of legislation, or to that necessity which I contend must exist—if they wish to take advantage of us—that they should admit, somehow or other, what we can give them in payment."

This will indicate how completely Poulett Thomson had worked out for himself the free trade policy which has long been familiar to England, but which at that time was regarded with so much patriotic apprehension by many ill-informed yet able and conscientious men, and with so much aversion by others who were actuated only by a narrow and personal selfishness. In Manchester, however, these ideas were better understood and more intelligently appreciated, and, as their member was free to confess, "the confidence which you, the electors of this great metropolis of the manufacturing industry of the world, have reposed in me, unsought and unsolicited,—an honour which I never hoped to obtain, and which I should never have sought to achieve,—is indeed the most con-

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vincing and irresistible answer to attacks of that description."

The strenuous nature of the welcome which his new constituents extended to him may be inferred from the following entry in his journal.

Sunday night, December 30th, 1832.—“This has been a week of prodigious excitement, and I have had no time to set down one word. Monday at the Exchange. Tuesday, Christmas Day, quiet. Thursday, the dinner, the proudest day of my life, 1,250 people sat down, Heywood in the chair. I spoke an hour and a half, and, I think, well. Friday dined at Heywood’s, and Saturday night left for town, *very ill*. To-day sent for Copeland.”

It may be inferred that after the election of 1832 Poulett Thomson did not relax his efforts in the House of Commons or in the cabinet towards promoting tariff reform. While eloquently advocating the larger features of tariff reform such as the reduction and final abolition of the Corn Laws, the relief of sugar, timber, wool and cotton, which required, however, for their ultimate acceptance a long course of education, he went on with the work of classifying and simplifying the duties, relieving where possible the burdens on minor articles which while contributing little to the revenue distressed both manufacturer and consumer by the exorbitant rates which were levied. These reforms were managed with a quiet tact which escaped the notice at once of his organized op-

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ponents and of the public at large. Thus, under cover of the general educational campaign for freedom of trade on a large scale, between 1832 and 1839, the president of the Board of Trade had secured reductions of duty, some of them of very considerable percentages, on three hundred and seventy-two articles, and had greatly simplified the duties on many others. The same system and the same principles were followed by Sir Robert Peel and Mr. Gladstone in preparing for their larger measures at a later date.

A subject to which he naturally gave special attention, and on which his experience was to be called into requisition in Canada, was that of banking. On this subject he held very definite views, the views afterwards embodied by Sir Robert Peel in the Bank Act of 1844, which introduced the system still regulating banking in Britain. The essential feature of the system, as regards the issue of paper money, is that the paper currency of the country should be issued by a single national bank, solely against bullion, and would therefore fluctuate with the amount of bullion in the country. A certain permanent nucleus of the reserve might be held in government securities, which would not, however, affect the large margin of bullion, upon the ebb and flow of which the note issue of the country would depend. For a country situated as England, at the centre of the world's financial and exchange business, such a system has proved on the whole very

SPEECH ON CORN LAWS

satisfactory. The practical experience and economic arguments with which Poulett Thomson supported his views, which were shared by the best financiers of the time, were amply justified in subsequent British history. As to whether such a system was quite as fully applicable to the condition of a colony such as Canada in 1841, we shall have to consider later.

To Poulett Thomson's lot also fell the duty of superintending the passing of the Act for regulating the labour of children in factories, and its subsequent administration by the commission appointed to carry it out. At the close of the session of 1833, he sought a rest in a tour of the Rhine, and spent the month of October at Paris endeavouring to forward the negotiations for a commercial treaty.

During the following session of 1834, the Corn Law question was again much in evidence. The able and indefatigable member for Middlesex, Mr. Joseph Hume, brought on his long-expected motion on the subject. Not content with the sliding-scale system of duties adopted in 1828, he urged a still further reduction to a moderate fixed duty. Mr. Poulett Thomson naturally came to the aid of the free trade forces, and on the 7th of March delivered one of his most important speeches in parliament. As yet those opposed to the Corn Laws were decidedly in the minority in the House of Commons, even on the side of the Whig party.

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Hence, in supporting Mr. Hume's motion, Poulett Thomson as a member of the government, though not yet in the cabinet, was in opposition to the majority of his colleagues, an opposition which was most pronounced in the case of Sir James Graham, First Lord of the Admiralty, to whose arguments in support of the sliding scale he devoted some strong, though respectful, criticism. The fact was that Sir James Graham had not been for some time on the best of terms with the majority of the cabinet, though one of the most advanced advocates of the Reform Act, and indeed a member of the small committee which drafted it. Though not in sympathy with the more extreme form of the Corn Laws, he was not as yet prepared to accept any serious lowering of the duties on grain. Yet he was destined some twelve years later to be Peel's most advanced supporter in securing the complete abolition of the Corn Laws. At present his chief difficulty with his Whig colleagues was over the question of the Irish Church, he being an uncompromising supporter of the Establishment. This friction in the cabinet foreshadowed the readjustment which was soon to take place, and which was to relieve it of its most Conservative element.

In the main body of his speech in support of Mr. Hume's motion, Poulett Thomson passed in review the actual history of the Corn Laws from the beginning of the existing system in 1815, pointing out that it had been a burden upon the public

PRACTICAL FREE TRADE

while an unsteady and delusive favour to the farmer. He maintained that the strength of Britain lay in her manufacturing industries, which should be encouraged by the double process of fostering trade with other countries by purchasing their produce, which in turn would encourage the purchase of British wares instead of forcing foreigners to prematurely attempt manufacturing for themselves because they could find no market for their own produce. This was indeed the situation which became so effective some years later in the United States as the justification for building up a protective system there. As usual he did not argue his case upon merely abstract principles assumed to be applicable to all countries in the world. He dealt with the actual condition of Britain itself, which, however, he treated in no narrow manner, but in a broad and comprehensive spirit. There were, it is true, many ardent free-traders who insisted upon generalizing the British conditions in such fashion as to conclude that the trade policy which was most suitable for Britain must be equally suitable for all other countries, and that therefore the adoption of free trade in Britain might be expected to be followed by its adoption in all other countries. Though Poulett Thomson hoped to see the trade of the world much freer than it then was, he nevertheless regarded as the best for Britain the freedom of trade which he advocated, whatever policy other countries might adopt. It is one of the cir-

cumstances most flattering to the fulness and accuracy of his knowledge and the soundness of the judgments which he founded upon it, that nearly all of the practical principles which he maintained, and the features of political policy which he advocated, have been fully realized in the course of British development. Yet, in advocating most of the features of his trade policy and financial reforms, he was considerably in advance of his colleagues, and, as we have seen, frequently in opposition to them, where the question was permitted, as in the case of the Corn Laws, to be treated as an open one. But though thus closely in line with so many great features of policy which were ultimately to prevail, his early death prevented his seeing any of them finally accepted.

CHAPTER IV

A CABINET MINISTER

IN the last of May, 1834, the cleavage which had been gradually taking place within the cabinet resulted in an open rupture between the more Conservative and more Liberal sections. Those who went out included Sir James Graham, Mr. Stanley the colonial secretary, the Duke of Richmond, and the Earl of Ripon, formerly Lord Goderich. Lord Auckland took Graham's position as First Lord of the Admiralty, enabling Poulett Thomson to succeed to the titular headship of the Board of Trade with a seat in the cabinet. Otherwise this made little difference in the character of his work, as he had previously covered the whole field, Board of Trade matters being entirely related to the House of Commons, and Lord Auckland sitting in the House of Lords.

Mr. Greville in his racy and cynical manner, has left us a sketch of Poulett Thomson about this time, which brings out in mild caricature several of the distinctive features of the president of the Board of Trade. "I had a great deal of conversation with Poulett Thomson last night after dinner on one subject or another; he is very good-humoured, pleasing, and intelligent, but the greatest coxcomb I ever saw, and the vainest dog, though his vanity

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is not offensive or arrogant; but he told me that when Lord Grey's government was formed (at which time he was a junior partner in a mercantile house, and had been at most five years in parliament), he was averse to take office, but Althorp declared he would not come in unless Thomson did also, and that, knowing the importance of Althorp's accession to the government, he sacrificed a large income, and took the Board of Trade; that when this was offered to him, he was asked whether he cared if he was president or vice-president, as they wished to make Lord Auckland president if he (Poulett Thomson) had no objection. He said, provided the president was not in the cabinet, he did not care; and accordingly he condescended to be vice-president, knowing that all the business must be in the House of Commons, and that he must be (as in fact he said he was) virtual head of the office. All this was told with a good-humoured and smiling complacency, which made me laugh internally."

Here we recognize his strong ambition, and entire self-confidence, and yet both rendered quite inoffensive by his sincerity of purpose, his great industry, and his determination to realize his ambitions by proving his worth through his achievements, the whole pervaded by an atmosphere of urbanity and charm of manner which was everywhere acknowledged to be remarkably captivating.

CABINET CHANGES

The sequel to the withdrawal of the Graham and Stanley wing of Lord Grey's cabinet, was the resignation, a couple of months later, of Lord Grey himself, and the succession of Lord Melbourne as prime minister. Harmony being restored, the cabinet which seemed on the eve of dissolution secured a new lease of life; the majority, however, was too small, and there were too many live questions before the country, which stirred deep convictions and strong prejudices, to permit of the government holding its position in a comfortable or dignified manner. Its own chief political strength lay in the still greater weakness of its opponents, who, though offered several opportunities and having others within their power, yet found it impossible to take advantage of these to defeat the government, since they knew they could not sustain one of their own in the face of a combination of the Whigs, Radicals and Irish, upon whom Melbourne relied for his majorities.

Lord Grey's administration had not been in much favour with the king, but when the more Conservative element had hived off, and it came under Lord Melbourne's leadership, it seemed to lose what grace it had in the king's eyes. When, in November, 1834, owing to Earl Spencer's death, Lord Althorp, his heir, passed to the House of Lords, the House of Commons lost the only leader in whom the king had any confidence. The king, therefore, declared to Lord Melbourne that he in-

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tended to apply to the Duke of Wellington to form a ministry. Peel being at the time in Italy, the duke took the place of the whole cabinet, being himself sworn in for as many offices as it was necessary to fill. While waiting for the arrival of Peel the king had a glorious holiday, spiced by the joy which he felt in the discomfiture of his late cabinet. When Peel arrived and the ministry had been filled out, dissolution was granted and a new election called. It did not, however, give Peel sufficient backing, and the new government in spite of, and to a certain extent in consequence of, the loyal support of the king, suffered one defeat after another, beginning with their defeat on the appointment of the Speaker, a contest in which Poulett Thomson took a prominent part. They finally gave up in April, 1835. The king made the best of a disagreeable situation and took back the Melbourne government with "that dangerous little Radical," Lord John Russell, as leader of the House. Poulett Thomson, who had been strongly supported at Manchester, returned as president of the Board of Trade with a seat in the cabinet.

As we have seen, though capable of producing able, if not popular, speeches, Poulett Thomson was by preference a worker rather than a debater. Hence he seldom troubled the House with more than short statements in committee in explanation of measures which he had in charge. This was particularly true in the sessions of 1835 and 1836, dur-

AN UNSTABLE GOVERNMENT

ing which questions of the tithes, the Irish Church, municipal councils, and Orange associations were engaging the attention of the House. Incidentally there was a struggle going on between the Commons and the Lords, accompanied by a great deal of very unedifying political strategy, which gave point to the criticisms of the Radical press and platform as to the decadent condition of the existing political parties, and the need for a new and more vigorous policy having respect to the needs of the masses rather than the whims of the classes. During these years also, owing to the conjunction of a narrow ministerial majority and the prominence of the Irish question, O'Connell was very much to the fore, and his party was understood to hold the fate of the government in its hands. With so slim a majority, however, the fate of the government was in several hands, which by no means improved the quality of its measures ; and still it could not be overthrown, for the Opposition was even more powerless to carry its own measures.

One of those periodic financial and industrial depressions which specially characterized the nineteenth century, was at this time deepening over the world, and destined to reach its nadir in 1837. During such unpropitious times Mr. Poulett Thomson, having much to engage him in the duties of his own department, found little inducement to take part in the discussions in the House. Indeed, being now a member of the cabinet, he had not the

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same freedom to express in public his personal convictions on certain vital points, where these were still considerably in advance of the opinion of the cabinet as a whole.

When all things seemed to be at their lowest ebb, William IV died, and the Princess Victoria succeeded to the throne. This involved another election, during which Mr. Poulett Thomson had as an opponent at Manchester that rising young star of the Tory party Mr. W. E. Gladstone. As the Liberals had carried Poulett Thomson to victory without his personal assistance, so the Tory element endeavoured to elect Gladstone, though he still sought re-election under the auspices of the Duke of Newcastle at Newark. Gladstone came in at the foot of the poll, and Poulett Thomson decidedly at the head of it, with Mr. Phillips as his colleague. During a subsequent reception at the hands of his Manchester friends, Mr. Gladstone complained of the unfair advantage which Poulett Thomson had taken of him owing to the connection of the Gladstone family with the slave-holding system of the West Indies.

The accession of Queen Victoria brought a new lease of life to the Melbourne cabinet, but did not bring Mr. Poulett Thomson any more prominently before the public, inasmuch as he still confined his attention to the multifarious duties of his office, and the systematic pursuit of the policy to improve British trade relations with the various countries

A TORY ESTIMATE

of Europe. His work lying so largely out of the line of ordinary politics, he came to be regarded by those who look chiefly to parliamentary debate as the one measure of political capacity, as a man who must have been considerably overrated. Hence the surprise which was expressed in several quarters when his appointment to Canada was announced. Still no one who knew him intimately had any doubt as to his great ability. The estimate of his political opponents, divested of party rancour, may be gathered from the brief account of his career given by Thomas Raikes in his journal. Raikes was a staunch supporter of all Conservative principles, the friend and confidant of Wellington, Peel, and other party leaders; of Thomson he says, "I knew him from the early commencement of his career in life, which has been eminently successful. He was originally a merchant of the old firm of Thomson, Bonar & Co., in the Russian trade. He obtained a seat in parliament, and was a great follower of the political economists, with Hyde-Villiers, and a few other young men who cried up the march of intellect, and advocated the new doctrines of reform. He was clever, and whenever he spoke on commercial questions, was always correct in figures and references, though not an eloquent speaker. He was an arithmetical man, which gained him the favour of Lord Althorp, with whom he always voted, and who, when the Whigs came into power, made him vice-president of the

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Board of Trade. When Althorp was made Chancellor of the Exchequer, having little previous knowledge or habits of business, he was glad to have a practical man at his elbow, whom he might consult on every occasion. As the Whigs grew in power, Thomson was promoted, and became a cabinet minister. He entered into all the plans of his colleagues to maintain themselves by pandering to the popular cry of reform. He represented the city of Manchester, under the radical interest, as an advocate of free trade, and in that capacity I have some years back alluded to him in my journal."

Poulett Thomson's prolonged efforts to improve the trade relations between Britain and the other European countries were only very partially effective, chiefly because of the opposition of the general public in France to any change in the existing system, and the difficulty of improving trade relations with Germany so long as Britain would abate little or nothing of her duties on wheat, that item being one of the chief articles by which Germany must pay for her imports. With Austria he was more successful, and an important commercial treaty was signed in 1838, which broke up the prohibitive system which had hitherto prevailed in that country. The negotiations with foreign countries were, for the most part, incomplete when he left the Board of Trade.

An institution of much importance for the promotion of British industry, founded during Mr.

INTERNATIONAL COPYRIGHT

Thomson's presidency of the Board of Trade, was the School of Design at Somerset House established in 1837. Superior to the countries of the continent in many other aspects of industry and commerce, Britain had tended to lag behind them in the matter of technical training. With a view to remedy this defect the School of Design was established, marking the beginning of a system of education as applied to industry which received a fresh impetus with the great exhibition of 1851, and led to the extending of these schools throughout the country. It also led to the development of the magnificent industrial museum of South Kensington.

Another subject which specially engaged his attention was that of international copyright, which he earnestly sought to promote as one important feature of that larger intercourse between nations which was his cherished ideal. In 1838 he succeeded in having a bill passed enabling the British government to enter into treaty arrangements with foreign countries for the establishment of international copyright. He endeavoured to negotiate such treaties with France and the United States, but they were as yet unprepared for such advances.

As we have seen, his interest in the promotion of freedom of trade and intercourse was never confined to abstract principles. He had, indeed, a comprehensive and well-balanced conception of the general advantages of free trade, but it was the

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outcome of a close study of the actual conditions of trade and industry. Experience had taught him that freedom of trade was to be secured in detail rather than in the gross, and this was the manner in which it was actually accomplished, for the final overthrow of the Corn Laws in 1846 was only the culmination of a series of inroads made upon them. Notwithstanding the numerous modifications of the general protective system and the Navigation Acts, from 1822 to 1846, the protective system was by no means abolished with the Corn Laws. Mr. Poulett Thomson's method of accepting every modification which could be secured and making it the logical basis for further concessions, proved the most effective system in the end. Its great virtue was that it demonstrated to the people in an educational manner that the fears which they entertained as to the injurious effects of the extension of free intercourse were quite groundless. Thus the public prejudice was broken down in a natural and effective manner. In the last speech which he delivered in the House of Commons on the subject of the Corn Laws, on Mr. Villiers' motion to go into committee on the subject in January, 1839, he thus states his attitude: "If I were asked whether it might not be better to have even a free trade in corn, I would reply in the affirmative also. But when I state this I am perfectly aware that here are considerable and weighty interests to be looked into which cannot be lightly treated; and that they should be all fairly

RAILWAY CHARTERS

considered and equitably dealt with, and time given gradually to effect a change. I am therefore taking a practical view of the subject, ready to go into a committee upon it, in the hope that we shall be able to introduce such a practical change in the existing system of laws as may prove really beneficial to all parties, and which will not injure any interests whatsoever." In pursuance of this method he sought to follow up Mr. Huskisson's initiative in gradually extending the warehousing system, first by enlarging the list of seaports admitted to the privilege, and then by extending it to the inland towns. The latter extension, however, had not been secured when he left the Board of Trade, nor indeed for some years afterwards.

In extending the range and usefulness of the Board of Trade, Poulett Thomson found that it could most effectively undertake the regulation of the railway system, which as an important factor in national life came into existence during his administration of the department. He introduced a system of supervision of the rapidly increasing number of railway charters previously issued by the Home Office, which had not the facilities for enquiring into such matters. The number of charters had increased from nine in 1832 to forty-two in 1837, when they were checked by the crisis of that year. This principle of supervision of private bills with a view to protecting the interests of the general public, he extended to all measures relating to trade,

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and this was found to be a much better safeguard than the loose and irregular supervision by committees of the House. Thus was begun that systematic supervision of corporate enterprises which has since kept pace with the growth of economic corporations. With the usual shortsighted conception as to what freedom of trade really implies, there were many who thought that this policy of regulating corporations in the public interest was a very inconsistent one to be so strongly advocated by an advanced free-trader.

In 1832, while still vice-president of the Board, he assisted in organizing a special department of it for collecting and publishing digests of the statistics of the empire, and selected for the office Mr. G. R. Porter, whose well-known book *The Progress of the Nation*, has long been a work of reference and a mine of information as to the economic and social development of Britain from the beginning of the nineteenth century to 1845.

Mr. Poulett Thomson's constitution, as we have noted, was not at all robust. Being already the victim of chronic gout, he found the double duties of supervising the increasing functions of the Board of Trade and of attending the long night sessions of the House of Commons to be rather more than his impaired health would permit. One rather obvious method of getting rid of attendance upon the sessions of the Commons, without giving up his office, would be to secure his elevation to the House

A WEAK CABINET

of Lords. Ambition being a strong factor in his composition, such a recognition of his services would undoubtedly have been very gratifying, and there were numerous precedents. As he seldom spoke in the House, his elevation to the Lords would not have weakened the debating power of the cabinet, although it was by no means strong in that direction. In outstanding names before the country, the ministry was decidedly weak. Sydney Smith very well expressed the general public sentiment on this subject. Speaking of Lord John Russell, the one outstanding personality in the ministry, he said, "I only mention Lord John Russell's name so often because he is beyond all comparison the ablest man in the whole administration ; and to such an extent is he superior that the government could not exist a moment without him. If the foreign secretary were to retire, we should no longer be nibbling ourselves into disgrace on the coast of Spain; if the amiable Lord Glenelg were to leave us, we should feel secure in our colonial possessions; if Mr. Spring Rice were to go into holy orders, great would be the joy of the three per cents. A decent, good-looking head of the government might easily be found in lieu of Viscount Melbourne. But, in five minutes after the departure of Lord John Russell, the whole Whig government would be dissolved into sparks of Liberality and splinters of Reform."

We get a glimpse of the estimation in which Poulett Thomson was held by his colleagues and of

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the place which he occupied in the cabinet from Lord Melbourne's reply to certain rather urgent suggestions from Lord John Russell in October, 1838, as to necessary changes in the cabinet. Speaking of the proposed changes, including the possibility of removing Spring Rice from the position of Chancellor of the Exchequer, the prime minister says, "If you open the exchequer, consider whether it would be really wise or prudent or fair to pass over Thomson. He is a much abler man in finance than any of them, has a more complete knowledge of the subject, he is clear, short, distinct, and not trammelled with crotchetts or scruples. Suppose he were to ask you, 'Why am I passed over?' what could you say to him? You could not say 'You are not the best qualified,' because he certainly is. You could not say that 'You are unpopular,' because that is to make a man's fortune depend upon fancy, taste, and fashion. His connections in the city are as much an objection to his being president of the Board of Trade. I think he would be more easy and happy in the office after all the worry of the other." However, the sudden death of Lady Russell on November 1st put an end for a time to the proposed reconstruction of the cabinet. Shortly afterwards, owing to the defection of their Radical support, Melbourne and Russell decided to resign on May 7th, 1839.

Peel undertook the formation of a ministry, but one of his conditions was that certain ladies, relatives

THE CANADIAN PROBLEM

of the late ministers, should retire from immediate attendance upon the Queen. To this the young Queen refused to assent, with the result that within four days Melbourne and his ministry were back in office. The waning support which the Whig cabinet had received in the House of Commons had been partly due to the unpopularity of Mr. Spring Rice as Chancellor of the Exchequer. Moreover, Canadian matters, as we know, were in a terrible tangle, owing to the outbreak of the rebellion in Lower Canada and the subsequent indiscretions of Lord Durham as governor-general. Lord Glenelg, as colonial secretary, had been quite unable to command the situation, and though he was supplanted by Normanby, things were scarcely improved. Hence, in taking up office again, it was felt that some changes must be made in the ministry. As one result, Spring Rice, and not Poulett Thomson, was elevated to the peerage.

Thomson then had to choose whether he should take the position of Chancellor of the Exchequer or go out as governor-general to Canada. What the final considerations were which determined his acceptance of the Canadian position, it is not easy to determine, though his journals throw some light on the subject, once the decision was made. The difficult appointment of Canadian governor was undoubtedly offered to more than one before it was accepted by Poulett Thomson. There were even some who volunteered to take it. The Marquis of

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Normanby, desiring to be relieved of the position of lord-lieutenant of Ireland, expressed to Melbourne his willingness to undertake Canada. Mentioning this to Lord John Russell in a note, Melbourne said, "I so much like Normanby's readiness to undertake Canada, that I am loath to make any sarcastic observations upon it." They did not send him to Canada, however, but made him colonial secretary for a short time. Another marquis willing to undertake the difficult position was Lord Breadalbane. But though Melbourne was pleased to note the willingness of men of his rank to undertake public service, his offer also was declined. On the other hand, the position was tendered to Lord Clarendon, Lord Dunfermline, and Earl Spencer, but declined for one reason or another.

CHAPTER V

GOVERNOR-GENERAL OF CANADA—ORIGIN OF THE CANADIAN PROBLEM

IT was doubtless the personal influence of Lord John Russell, coupled with the small prospect of achieving further political reputation in connection with the discredited Whig administration at home, that finally determined Poulett Thomson to accept the position of Canadian governor. It was arranged at the time that, owing to the importance of the office, Lord John Russell himself should take the position of colonial secretary. That being so, Poulett Thomson knew that he would be relieved of all anxiety as to the imperial end of his mission. The perfect understanding which existed between the colonial secretary and the colonial governor undoubtedly had much to do with the success of Lord Sydenham's administration.

There appears to be little doubt that the new governor went out to Canada with the understanding that, if successful in his mission, he should be elevated to the peerage. Lord Sydenham's nature was one of those in which personal joy in the accomplishment of good work—in the carrying through of great ideas to a successful practical issue—was closely interwoven with that love of approbation which spurred him to additional effort,

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if not for popular applause, yet certainly for the approval of those whose opinion he specially valued. At the same time his whole career proved that his strong confidence in his own judgment enabled him readily, if not joyfully, to stand practically alone in defence of measures which had enlisted his sympathy or commanded his judgment.

When his appointment to the Canadian governorship, which took place on August 29th, 1839, was announced, it was received with very varied comments. Many of those who regarded him only from the point of view of popular standards, and who had little or no personal knowledge of him, condemned the selection in round terms. It is true that any choice was certain to be condemned on party grounds, political feeling being particularly bitter at the time, and Canada was one of the chief issues of the day. Judged, however, by the men who knew him intimately, or who had occasion to know what he had accomplished, there was no doubt as to his fitness for the position, and many who judged him harshly at the time of his appointment afterwards made ample amends in their acknowledgment of his distinguished success.

It will at least be evident from the foregoing summary of the business and political career of Poulett Thomson, that he was exceptionally well qualified, from his thorough and practical knowledge of the actual workings of the British system

A NEW TYPE OF GOVERNOR

of political parties and cabinet government, to undertake the reconstruction of the Canadian government upon similar lines. His expert knowledge, at once of the public and private aspects of trade and finance, enabled him to greatly assist in introducing some rational system into the indescribable tangle of provincial finance, which was alike narrow in revenue and prodigally wasteful in expenditure.

Hitherto the British government had deemed it the part of wisdom to send as Canadian governors military experts instead of civil administrators; and, owing, one may suppose, to some beneficent system of compensation in nature, the very incompetency of the military administration in civil matters brought about in due course the requisite opportunity for the exercise of military talents, thus proving conclusively, for those who had an understanding for such matters, the great foresight of the home government in having on the spot military governors ready to cope with rebellion within the colony and foreign sympathizers without. Now, however, that the former system had done its worst, a new line of experiment was to be essayed, and a new type of governor appointed. What then was the nature of the problem which the new governor had to face?

As was fully recognized in Lord Durham's Report, the central difficulty which lay at the basis of the racial troubles in Canada, and which prevented the settlement of the political and economic

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problems which had grown up in that colony, was the policy of the Quebec Act. It was this measure which had established a radical and permanent cleavage between the French and English races in Canada. For the fatal consequences of this measure, therefore, Lord Sydenham had to provide a practical if not, in the eyes of all parties, a popular solution.

At the time of the conquest, the terms of capitulation and the Treaty of Paris, with a humanity as generous as it was rare under such circumstances, had guaranteed to the conquered people complete security of property and freedom of religious faith, demanding only submission to the general legal and political institutions of the government of which they were henceforth to be subjects. The British authorities made no attempt to interfere with the domestic customs and institutions of the French-Canadians; while under the British constitution and laws substituted for those of France, the general body of the people enjoyed an immunity from feudal exactions which contrasted happily with their former condition and introduced for Canada a period of unwonted prosperity. Unaccustomed to the more advanced forms of British freedom and self-government, which had been gradually established in the older colonies to the south, few of the French-Canadians understood or sympathized with the claims for representative government raised by the small but growing

GOVERNMENT AFTER THE CONQUEST

English element which, attracted by the opportunities for trade, had resorted to the colony immediately after the conquest. These claims, though based upon the definite promises of the British government in 1763, which frankly contemplated for Canada a British future, were undoubtedly somewhat premature.

A special difficulty, as regards representative government, was presented by the character of certain English laws which had been expressly framed to exclude those professing the Roman Catholic religion from many of the normal privileges of British citizenship. The vast majority of the Canadians being Roman Catholics, it was not practicable to apply to Canada the British conditions of representative government, hence a special constitution would have been required, with new forms of oaths, to permit of Canadians being elected members of the legislature, or of holding public offices. For such a special constitution, most of the English element in Canada were quite prepared, though, in default of special legislation, some of them were evidently quite willing to assume the responsibility of legislating for the colony. However, no real inequality of rights seriously threatened the new subjects, and considering the many radical differences between French and English political institutions, rapid progress was being made in anglicizing the colony. How rapid this was the astonished officials of the provincial government

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afterwards amply testified, though with much chagrin.

Increasing difficulties, however, with the older colonies, caused the military governors to look with growing suspicion upon the anglicizing process which was so rapidly going on in Canada. In the official mind the idea was soon firmly planted that the lack of submission to those in authority manifested by some of the adjoining British colonies was due to the removal of the dread of invasion from French Canada and its Indian allies. Hence, disregarding all else than the maintenance of British authority, the governing mind conceived the idea of restoring Canada to the condition which it had occupied under French rule, merely substituting George III for Louis XV, clothing him with the same feudal powers, and, as a necessary incident, restoring the military and feudal privileges of the noblesse, and placing the Church also in its former relationship to the system. This involved the reversal of the previous British policy, adopted only after careful consideration of the present and future of the colony,—the abandonment of voluntary pledges and the abolition of such English laws and institutions as had been introduced, the discouragement of British immigration, and the securing as far as possible of the withdrawal of the English element already in the colony.

To accomplish these results the Quebec Act was passed. In justice to the authors of that Act and to

POLICY OF THE QUEBEC ACT

the policy which it expressed, it must be acknowledged that they had no idea of attempting to govern under it two distinct races. It was framed to govern one race only, and that exclusively French-Canadian. Such a policy, however impracticable, was at least self-consistent. The subsequent absurdities in the Canadian government were due to a radical change of policy without a corresponding change of constitution, resulting in a system which was neither self-consistent nor practical.

But before the Quebec Act could be put into execution the American revolution, of which it was one of the chief precipitating causes, had run its course, and rendered the policy of the Act useless. Through the irony of fate Canada now remained the most important portion of the British possessions in North America, and the Quebec Act, if honestly administered, would have guaranteed it a French, and not a British, future. For a time after the loss of the American colonies, the British people and their government seemed anxious to forget that unfortunate episode and the policy which had induced it. At any rate, while the central policy of the Quebec Act was rendered meaningless by the loss of the southern colonies, and while the coming of the Loyalists caused the administration of the French system to become very embarrassing, still the government had not the courage to revert to its former policy, and the fact that it was urged to do so by the Opposition naturally prevented its adop-

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tion. On the contrary, the most unfortunate course possible was taken. A process of piecemeal encroachment upon the Act and nullification of its leading principles was entered upon. This movement immediately precipitated the most vigorous protests on the part of the French lawyers, judges, and members of the council, supported by a few of the English officials who had been instrumental in getting the Act passed. The English element, however, and the judges and officials who sided with them, began from the first to introduce English law and rules of court, and English features of administration quite contrary to the spirit of the Quebec Act.

Technically, of course, the Quebec Act, while restoring the French-Canadian system of law, tenures of land, and other feudal obligations, naturally provided for additions and amendments to the law for the future, through the medium of a legislative council. But, under a policy which frankly abolished the British laws and institutions in order to restore the French system, it could not be imagined that, except by obvious breach of faith, the legislative powers of the council would be employed to gradually abolish the French and reintroduce the English system. Yet this is what was actually attempted, and it was the very obvious lack of frankness in the process of reversing the policy of the Quebec Act, while professing to respect it, which increasingly exasperated the French-Canadians. The English law

CHAOTIC CONDITIONS

and legal procedure were introduced into the practice of the courts where the cases of English subjects were tried. The result was not only a breach of faith, but endless confusion in the courts. As was so fully admitted in the exhaustive reports of 1786-7, the English element in the colony refused to accept the Quebec Act as final, but instead of leaving the colony, as Carleton had hoped and as they themselves freely admitted would be necessary if the Act were to be taken as final, they remained and continued to contend for what they claimed to be their rights under the first pledges given by the government.

It is true that various amendments to the law, in the direction of introducing British features, were brought up in council and hotly debated there. Yet, except during the brief administration of Lieutenant-Governor Hamilton, after the recall of Governor Haldimand, these amendments were invariably defeated. The first English governors,—Carleton, who secured the passing of the Act, Haldimand, Hope, and Carleton again, during the first part of his administration as Lord Dorchester, stood by the Quebec Act, and sided with the French element against the British. But Dorchester, after a futile effort to compel the English Loyalists to give up their British institutions and come under the yoke of French feudalism, gave up the contest and, while deprecating in a feeble manner the bitterness which was rapidly develop-

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ing under the breakdown of his system, adopted a neutral attitude. He mildly protested against the dismemberment of the province but accepted the fatal compromise of the Constitutional Act, which, without repealing the Quebec Act which had arrayed the two races against each other, simply furnished each with a weapon to smite the other.

The Constitutional Act divided the province, to placate the Loyalist settlements, and added a representative assembly to the legislative council provided by the Quebec Act. Otherwise it left the inhabitants to settle as best they could whether the future of Canadian institutions was to be British or French. In Upper Canada the majority at once settled the question in favour of a British future. In Lower Canada the majority would have settled the question as readily in favour of a French future had they been entirely permitted to do so.

Pitt, prime minister at the time of the passing of the Constitutional Act, was absorbed in matters nearer home which naturally appeared of vastly more importance than the constitution of Quebec. He therefore dismissed the most vital issue in the Canadian problem with the easy declaration that, having permitted, by the division of the province, the people of Upper Canada to change from French to British institutions, the Lower Province would probably soon follow their example. The painful contrast which the antiquated and illiberal institutions of Lower Canada would present in comparison

THE UNEXPECTED HAPPENS

with the British institutions of Upper Canada would naturally, he claimed, open the eyes of the French-Canadians to the superiority of the British system, and lead to its voluntary adoption. Needless to say, with the exception of a few French-Canadians whose education and business associations rendered them familiar with British institutions, the only parties in Lower Canada who realized the undesirable consequence of retaining the French system were the English element of the cities and of the newer settlements. But the more strongly they endeavoured to secure the introduction of British features, the more stubbornly were they resisted by the French-Canadian majority, with the result that even the most obsolete and antiquated commercial features in the French-Canadian system were defended with a vigour and a length and refinement of argument in direct proportion to their weakness. Moreover, as time went on, the administration of Upper Canada under the much-vaunted British institutions, seemed to present a very doubtful example of peace and felicity.

In the meantime, the governors who succeeded Dorchester increasingly allied themselves with the English element in the colony, and took every opportunity to enlarge the English and diminish the French features in the public law and administration of the country. Naturally, with the expansion of the colony and the development of its commercial interests, the introduction of new and the amend-

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ment of old laws would be required, but, owing to the peculiar antagonism which existed between the laws and customs of the two races, every proposed amendment to the French law was looked upon with extreme suspicion as simply a further attempt to encroach upon the French nationality. On the other hand, the numerous amendments to the English law in the Upper Province passed without comment. Soon the national position of the two races came to be reversed. When the Quebec Act was passed the French were the loyal and the British the disloyal element; under the administrations subsequent to the Constitutional Act, the British became the loyal and the French the disloyal parties. Moreover, the French were constantly accused not only of disloyalty but of base ingratitude for not giving up at a later stage and under pressure, that which they had been voluntarily granted and encouraged to accept, many of the common people much against their will, when the Quebec Act was passed. In other words, having been at one time invited and even coerced to remain French they were afterwards accused of disloyalty for refusing to give up their French nationality and become British. But as the French-Canadian poet Frechette has put it, "while the French-Canadians undoubtedly owed Britain a permanent debt of gratitude, it was from the fact that after the conquest she had not required them to become British." Had the French-Canadians been frankly left to them-

A PETRIFIED SYSTEM

selves under the Quebec Act, they would undoubtedly have gradually modified and developed what was in many respects an obsolete and antiquated system of law even at the conquest. But, owing to the antagonism of races and institutions, they dared not admit any defects in their system or any necessity for amendments, since this would afford a pretext to substitute the laws of their rivals.

One cannot avoid a certain sympathy with the unprogressive and even reactionary policy of the French-Canadians if one considers what would have been the consequences had a colony of Englishmen been conquered by France, and, to suit some special domestic policy of the French government, had not only been allowed but encouraged to maintain their British laws and institutions. And if, afterwards, without any change of constitution or professed change of policy, they found their English laws and institutions being gradually encroached upon with the obvious, and indeed confessed, intention of forcing them to become French, what must have been their feelings, and, in consequence, their actions? Can we suppose that a British colony thus treated would feel such affection for the sovereign power of France that they would voluntarily assist in such efforts to change their nationality? They would undoubtedly strive to throw off the foreign yoke which alone prevented the untrammelled enjoyment of their native institutions.

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It is true, as already indicated, that under the Quebec Act alone, with a governor in sympathy with the English element in the province, and consequently with a legislative and executive council ultimately of the same complexion, it would have been constitutionally quite a simple matter to have abolished the French-Canadian laws and institutions and substituted a British system in their stead. But having provided by the Constitutional Act for an assembly representative of the popular element in the province, it was impossible to restore the British laws without the consent of the popular majority, and this of course was steadily withheld. Thus, by one of the numerous ironies of fate which pursued British policy in Lower Canada, the introduction of representative government, without the repeal of the Quebec Act, instead of effecting, as was intended, the introduction of a characteristically British and anglicizing factor, proved to be the most effective means which could have been devised for putting a complete check upon every British innovation other than those which were irregularly, and more or less surreptitiously, introduced through the medium of the executive government.

CHAPTER VI

GOVERNMENT UNDER THE CONSTITUTIONAL ACT

IT had been quite generally assumed that the granting of representative government under the Constitutional Act would confer upon the Canadians, whether in Upper or Lower Canada, all the privileges and blessings of the British constitution. But those who lightly employed such language to enhance the concessions made in the Constitutional Act, in a vain effort to dispose of the troublesome Canadian problem, seem to have assumed that the essence of the constitution consisted merely of three allied governing powers, the King, the Lords, and the Commons. These powers Britain had had for centuries, and yet had obtained from them very different systems of government, depending upon a special arrangement and balance of the three correlative powers, but depending still more upon the social and political atmosphere in which they operated, and which was the expression of changing temperaments, ideals, and the general public opinion of the body of the nation. Thus, not only did these co-ordinate powers give many kinds of government in the course of their past adjustments, but were to give wholly unexpected, and to many of that age, quite shocking phases of government for the cen-

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tury to come. When, therefore, the Constitutional Act added to the governor and council of the Quebec Act a representative assembly, it did not follow that, because the system superficially resembled that of the Mother Country, it must of necessity produce the same results in Canada as in Britain, or even similar results in the two provinces into which the territory of Canada was divided. Nor did it follow that the balance of power and the adjustment of executive responsibility, as worked out in Canada, would at all resemble the British system of responsible government.

The governor who represented the king, just because his powers were delegated, of necessity occupied a very different position from that of the king, whose powers were original, though greatly limited by gradually developed traditions and usages. In some respects much more depended upon a governor in Canada than upon the king in Britain, in others much less. In his executive functions he was much freer from traditional limitations, and depended to a far less extent upon the responsible advice of his councillors, though, for quite other reasons, he was commonly at the mercy of his council in many irresponsible ways. In other respects he was supposed to be governed by specific Acts of the imperial parliament, and to operate under an elaborate body of instructions which curtailed his freedom in certain directions while forcing his interference in others. He was also

EARLY TYPE OF GOVERNOR

required both to seek and accept special instruction and advice from the colonial office.

But there were other differences quite apart from constitutional questions. The governor was not born and reared in the midst of Canadian conditions, with family traditions and personal interests all connected with the past, present, and future of the country. He came to Canada too often a stranger alike to its historic and its actual conditions, and, being commonly a military man, had little or no knowledge of the working principles of civil government. On the contrary, he had the traditions of a man in authority sent out to govern the distant possessions of the home country, the emigrants to which lost their capacity for sound judgment and the exercise of British liberty in much the same degree as if they had been recruited into the army. From the point of view of the colonists, too, the governor's position was very different from that of the king. While recognized, for the most part, as an exalted and important personage, this was chiefly due to the official position which he filled and the influence which he exercised with those in power at home, but his position was temporary and his powers delegated. His decisions might be appealed against, his tenure of office was uncertain, and by agitation it might be curtailed. Moreover, he was not, like the king, a person who could do no wrong, because of the responsibility of his ministers. His ministers might indeed be the

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real advisers of his actions, but they were not responsible for them, being always able to take shelter behind the authority of the governor, who, in turn, was responsible to the home government, and might on occasion take shelter behind his instructions from the colonial office. At the same time, every governor came to Canada as a stranger, and must, therefore, of necessity obtain most of his information and ideas on government from those who filled the administrative offices, and who were thoroughly familiar with local conditions, at least as seen from their particular angle of experience or interest. Hence each successive governor was naturally more or less at the mercy of his executive officers, the more important of whom commonly occupied seats in both the legislative and executive councils. The real governors of the colony were thus so sheltered that to attempt to attack them resulted in an assault on the governor, and through him on the British government. The governor's position, therefore, and his relationship at once to the country and to the other estates in the government, were very different from those of the British king.

The legislative council was supposed to be the counterpart of the House of Lords. A great part of the Constitutional Act was taken up with provisions for securing in the colony a body of landed aristocracy which, when furnished with suitable titles of honour, would provide the requisite nobility from which to recruit the legislative council,

ARISTOCRACY AND A STATE CHURCH

or Canadian House of Lords. The proximity of the exalted rank and dignity of these Canadian nobles would incidentally sharpen the tooth of remorse which was assumed to be gnawing the consciences of those fallen republicans in the lower regions to the south.

As aristocratic institutions were still naturally associated with divine rights, so the normal support of an aristocracy was a State Church. Extensive provision was accordingly made in the same Act for the support of an Established Church. It is doubtful which of these two allied contributions of the Constitutional Act caused most trouble in the country before they were finally disposed of. The provision for an aristocracy contributed the Family Compact, with the necessary accompaniments of land-grabbing intrigues, for an impecunious aristocracy would inspire little awe and less envy. The provisions for a State Church contributed that apple of discord, the Clergy Reserves, which provided so many and so sadly neglected opportunities for the display of Christian charity.

As the members of the legislative council held their offices for life, they were free from the corrupting influences which press upon those who have to keep in touch with the vulgar multitude. They could, therefore, if so inclined, freely devote to public questions an enlightened mind and unbiassed judgment; or, if differently minded, they could devote themselves with equal effect to the

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pursuit of private interests and class privileges, with a calm disregard of public opinion.

The executive council, gradually shaping itself into a body of ministers with specialized functions, consisted, as a rule, of the special members of the legislative council who presided over the administration of government. Theoretically they were selected by the governor, practically, as we have seen, they were commonly selected by the office-holding cliques who monopolized the ear of the governor. The governor, however, was ultimately responsible for their actions, on practically the same terms as the president of the United States is responsible for his cabinet of secretaries. Not being mutually responsible to the people, as in the present form of the British or Canadian cabinet, they might be, and sometimes were, quite at variance with each other, whether as to the general policy of administration, or as to special, though vital, features. Quite generally, however, the absence of mutual responsibility to the legislature was supplied by the bonds of self-interest and mutual appointment essential to the effective control of successive governors. These close corporations of office-holders were known in Upper Canada as the Family Compact, and in Lower Canada by various names, among them the "Scotch party."

The foundation of the Family Compact in Upper Canada was laid by Governor Simcoe, who brought with him as his first executive officials a number

THE FAMILY COMPACT

of men for the most part associated with him in the late Revolutionary War. Appointing these to the chief offices of trust and to seats in the legislative council, he virtually established for them a life tenure in the executive offices. These were the men who were encouraged by Simcoe to regard themselves as the foundation stones of that new aristocracy which, with their successors, would become the bulwark of the British authority, and ensure the remaining British possessions in America against the subtle inroads of democracy which had undermined the authority of the home government in the lost colonies to the south. These gentlemen took their functions very seriously. With lavish hand they bestowed upon themselves in the king's name vast tracts of the best land in the province. In the meantime, while the poorer immigrants in the surrounding settlements were raising these idle lands into valuable estates, they subsisted on the various offices of considerable emolument in the province, and in various ways so identified themselves with the king's interest that to doubt their authority or their rights was to dispute the royal prerogative, to question their pretensions was disloyalty, to attack their privileges was treason, and to seek to overthrow their power, or to subordinate the executive to the representative body was republicanism and rebellion.

In Lower Canada, after furnishing the French-Canadians with an assembly as their organ, the

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legislative and executive councils became the stronghold of the English element, who, naturally furnishing a controlling atmosphere for the successive governors, persuaded them that in spite of the Quebec Act the province was destined to be ultimately British. By means of more or less active measures they assisted in promoting that idea. The French element, becoming more pronounced in their opposition to this policy, utilized, with increasing skill, their majority in the assembly to block this purpose. But, by putting themselves in opposition to the English element, they became a party of disloyalty, losing incidentally the confidence of the governor and therefore all prospect of filling any important offices in the administration of the province.

Obviously, during the régime of the Constitutional Act, the legislative council in both provinces was anything but an obsolete institution. It was the only vital organ for expressing the wishes of the British element in Lower Canada; in a somewhat less special degree it was the organ of a very select class of interests in Upper Canada. Since all legislation must either originate with the assembly or at least receive its sanction, the majority in the assembly could, on the one hand, insist upon their favourite measures being brought forward, or, on the other, block any measures distasteful to them which might originate in the council or were introduced by the minority in the assembly who

A TENDENCY TO DEADLOCK

sympathized with the council. As from the first the French-Canadians were in a majority in the assembly of Lower Canada, and could control it when so minded, and as, after the introduction of the Constitutional Act, the English element predominated in the council, the race cleavage was enabled to express itself effectively in the two branches of the legislature. But, while each branch of the legislature was all-powerful in blocking any objectionable movements on the part of the other for the introduction of new laws or the amendment of old ones, each was correspondingly impotent to insure the enactment of any legislation, no matter how vital it might be for the interests of the country. Only such measures, therefore, could be passed as were of a neutral character as regards the racial issues, or such as were absolutely requisite for even a hand-to-mouth provincial existence, and on which a compromise might be arranged.

The leaders of the popular party in Canada became familiar with the superficial aspects at least of the powers and functions of the House of Commons in Britain and the virtual responsibility of the ministers of the Crown to the majority in that House. It was then readily perceived that, if this principle could be introduced and secure recognition in Canada, it would enable the popular party to control the situation. In the Lower Province it would give to the French-Canadian nationality, through its leaders, a complete control of the

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government of that province, while in Upper Canada it would enable the party controlling the majority in the legislature to control also the executive government. In Lower Canada, once the French-Canadian party was efficiently organized, this would have meant that, by the introduction of this one feature from British constitutional practice, the French-Canadians would have been able to prevent any other British element from being brought in to contaminate their historic institutions. They would then have been free to accomplish Carleton's aspiration in preventing any further British immigration to Lower Canada, and would have regarded with much complacency the exodus of the British settlers to escape the French system. In Upper Canada it would probably have had the opposite effect, as the majority in the assembly professedly favoured progress and innovation, though it must be admitted, from a survey of the measures which they frequently advocated, that their conception of progress was distinguished for its ardour rather than its wisdom, and their innovations were frequently ill-digested and even impossible. In neither province, however, with a very few exceptions in Upper Canada, did those who advocated the British system of a government controlled by the popular branch of the legislature understand what that really meant as operated in England. Nor did they realize what were the characteristic details of political organization and practical ad-

CONTROL OF THE PROVINCIAL PURSE

ministration which must of necessity accompany responsible government in order that it might be operated in Canada with anything like the same efficiency as in Britain. It was one of the chief functions of Lord Sydenham's administration to enlighten the Canadian politicians on this subject, and to demonstrate to them, from his own personal experience, how many other factors and how much of detailed organization were indispensable to the elementary working of responsible government.

It was, however, a well-known historic fact that the chief means by which the English House of Commons had risen from a very subordinate to a distinctly controlling position, was its command over the national purse. This avenue to power had not, it may be imagined, been neglected by the popular leaders in the assembly of either province. However, certain difficulties had been met with from the first. Before the days of representative government in the Canadas, certain imperial Acts had provided sources of revenue which were beyond the control of the assembly. This revenue was provided for before Britain pledged herself, in a belated effort to reconcile the American colonies, not to levy further specific taxes upon any of the colonies. Moreover, in the earlier days of the assembly, certain revenue Acts were made permanent, but these could be amended, to give the assembly annual control, only with the assent of the legislative council, which was of course steadily refused, the

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purpose of the amendment being too well understood. With these permanent sources of revenue and some assistance from time to time from imperial funds, it was possible for the executive government to continue its functions even when the assembly refused to vote supplies. For such public objects as the assembly could not afford to neglect, they were compelled to vote specific sums. Control of the revenue being an all-important factor in the conflict with the executive and legislative councils, especially in Lower Canada, the contest tended to centre round this problem. The central object of attack, however, was the legislative council with its adjunct the executive council. The lines of attack were not always very consistent with each other. It was finally demanded, as the most direct way out of the difficulty, that the legislative council should be made elective, which would give the French the command of both houses of the legislature.

In Upper Canada, there being no racial problem, there was much less definiteness in the issues which divided the political groups. Class privileges and an office-holding oligarchy were the chief objects of attack. A whole volume of grievances was ultimately compiled, but the majority of the items resolved themselves into instances of arrogance and self-seeking by the favoured group who sought to monopolize the most promising resources of the province, especially the public offices. One of the

TO DISCREDIT REFORMERS

most prominent subjects of discord, the Clergy Reserves, was simply a case in point, being essentially a question of class privilege in the enjoyment of public funds. In Upper Canada the movement towards popular control of the executive was steadily working out, though in a rather crude fashion. It was simply a matter of time, accompanied, of course, with much political friction, as to the final control by the assembly. It suited the purpose of the Compact party and of the lieutenant-governor, who was their very willing instrument, to identify the Mackenzie episode with the purpose of the reform party, in order to brand their movement as essentially treasonable. In this, for a time, the oligarchy was fairly successful. The cause of reform appeared to have received an indefinite set-back, when, fortunately for its advocates, the Durham Report exploded the reactionary programme. While condemning the small body of desperate men who attempted or favoured rebellion, Durham's Report strongly supported the more rational features of the reform policy, and boldly advocated the adoption of the British system of responsible government as an ultimate remedy for the political difficulties of the Upper Province.

In Lower Canada, on the other hand, most farsighted observers had perceived, even from the time of the adoption of the policy of the Quebec Act, and afterwards at the time of passing the Constitutional Act, that the situation in that province must

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lead ultimately to an open rupture between the two races, and even between the two provinces. To insure to the French-Canadians all the essentials of their nationality, and yet to deny to them the logical and necessary consequences of a complete control of their domestic affairs and of an ultimate escape from the national humiliation of a foreign yoke, was nothing short of the refinement of racial cruelty, which, fortunately for the reputation of British humanity, the English people have repeatedly condemned when practised by other countries. To expect the French-Canadians to voluntarily forego their nationality, and peacefully resign themselves to British citizenship, was the height of absurdity. There was plainly no alternative, consistent with reason and humanity, other than that of granting them full independence as a distinct people, or to take away once and for all the occasion of those tantalizing dreams of French nationality, and give them to understand that, however distasteful for the present, their ultimate fate was to be a corporate part of an Anglo-Saxon colony with unified and harmonious political institutions.

Wisdom and humanity had long demanded one or other of these alternatives. No one of the long series of frequently changing colonial secretaries and their delegated governors could find any other solution. But, with the exception of a half-hearted attempt to reunite the provinces in 1822, in the face of the plainest warnings, no one of them had the

THE FINAL OUTCOME

courage to face either alternative. They simply temporized while the situation steadily grew worse, each contenting himself with the prayer that peace might be vouchsafed in his time. At last the inevitable and long-expected happened. It matters little whose pipe sets the heather on fire when any spark will start a blaze.

Had the French-Canadians been as well organized as they were ripe for revolt, and had those beginning the rebellion enjoyed competent leadership, a few initial successes would have brought the great majority to their assistance, while almost none would have declined to join an independent French government. The Loyalist party in such a case would have been easily taken care of. But French-Canadian leadership was wofully deficient, and the rebellion was short-lived; nor was a second outbreak, immediately following Lord Durham's departure, any better managed or more successful.

CHAPTER VII

LORD DURHAM'S REPORT

AT length the British government recognized that the problem of Lower Canada had really to be faced. Lord Durham, with an able staff, was despatched to Canada, clothed with extraordinary powers. He was given a very free hand to adopt such measures as were necessary to restore tranquillity, and to report upon the most effective means of governing the colony for the future. But though his powers were wider than those of any governor since Dorchester, he managed to travel beyond them, involving himself and the home government in a very awkward dilemma. The Opposition taking full advantage of this, Lord Durham's recall was rendered inevitable, after a meteoric course of some five months.

This is not the place to discuss the authorship of Lord Durham's Report, but a study of it, in the light of the documents from the conquest down to the time of its appearance, shows that those who prepared the materials for it, as the result of those "various and extensive inquiries into the institutions and administration of these provinces" which Lord Durham had set on foot, had carefully gone over the history of their subject. They were evidently familiar not only with the leading public docu-

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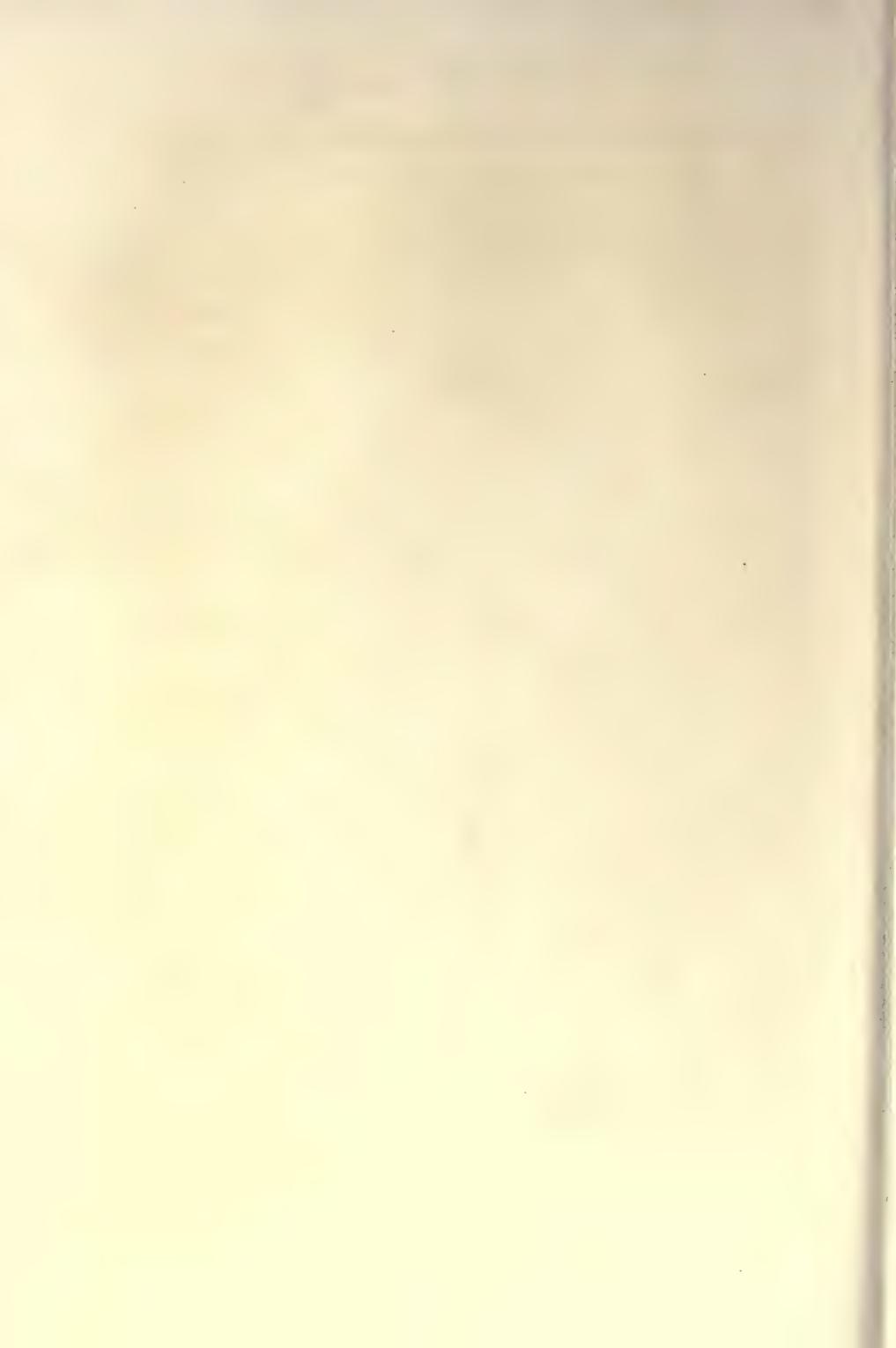
ments, whether printed or in manuscript, but had apparently gone over much private and confidential correspondence which has only quite recently been opened to general research. In addition they had taken much pains to obtain from the most representative persons the various views and policies entertained by different sections of Canadian opinion.

As was to be expected, each party in Canada accepted as just and enlightened those portions of the Report which dealt favourably with their views and aspirations, but were inclined to regard the more unfavourable criticisms as largely due to false information or as the fruits of groundless prejudice. Although originality and novelty seemed to many to be striking features of Lord Durham's Report, yet in reality there is very little in it which is not found in previous reports or elsewhere. It is in fact one of its strongest features that it adhered closely to the facts as they had been carefully ascertained in the past, or as they were to be discovered at the time by any open-eyed and fair-minded investigator, seeking only to make a survey of the actual crisis and of the historic conditions which led up to it. It is this unprejudiced attitude towards the whole Canadian problem as an absorbingly interesting historic experiment in practical politics, which gives to the Durham Report its freshness and vitality.

The first portion of it is devoted to the problem of Lower Canada, in which is brought out the folly



Lord Durham



FRUITS OF MISTAKEN POLICY

of the earlier British governors who, on plausible but shortsighted grounds, turned aside the first normal movement towards a unified British colony. In its present English sections, it is true, this would have been much more thoroughly penetrated with the French-Canadian institutions than it is to-day, but still in a blended harmony with the British system of public law and government, as in the original Dutch colony of New York, or the more modern state of Louisiana. But, the mistake once made by the introduction of the Quebec Act, the Report demonstrates, with ample detail and from every line of approach, that, without attempting to change the foundation lines of the old policy, a new one was attempted to be engrafted upon it. This policy was doomed to utter failure and to ensure an ultimate conflict of races. Now that the conflict had issued in physical violence, the English element demanded that the struggle of rival races be ended, and that, as the obvious future of the continent was an Anglo-Saxon one, this must be recognized in policy as well as in fact. "Lower Canada must be English, at the expense, if necessary, of not being British."

The next important question taken up by the Report was the defective constitutional system, as revealed in both provinces by the friction and periodic deadlock developed between the different sections of the legislature and with the executive government. It demonstrated the impossibility of working an assembly which could not directly affect

the executive, and the futility of attempting to secure harmonious and acceptable government where the executive was completely removed from popular control and from all opportunity for explaining or justifying its actions before the representatives of the people. It was also shown that the members of the executive government held a vested interest in their offices, to the extent of expecting full compensation for removal or readjustment, and that class privilege was so highly developed as to be regarded as an indispensable bulwark of British supremacy and Canadian loyalty. The natural consequences of this condition of affairs were revealed in the experience of the Canadas, where a lack of responsibility and efficiency was shown in every department of government, the legislature as well as the executive, the assembly as well as the council. The outcome of this part of the investigation was the advocacy of a form of mutual responsibility as between the different factors of the government, so that they should be required to act in harmony, rendering it impossible for one to fall permanently out of touch with the other.

Among the other important features of Canadian government touched upon with more or less detail, was the lack of municipal institutions to take charge of the details of local administration and to familiarize the people with the essentials of responsible government. The provincial finances of necessity received special attention; in Upper Canada in par-

MUCH NEED FOR REFORM

ticular they had fallen into hopeless confusion, alike as to the sources of revenue and its administration and expenditure. There was a chronic interprovincial dispute also, relative to the proportion of revenue due to each province from the proceeds of the customs duties levied in Lower Canada, and also as to the relative obligations of the two provinces towards improving the system of water communication by way of the St. Lawrence route, the great commercial highway of both provinces.

The vexed question of the Clergy Reserves was also dealt with, though the conclusion reached was not very favourable to the idea of an endowed national church as a bulwark of monarchy. The Report advocated that the revenues from these lands should be placed at the disposal of the legislature of each province. It was implied also that the revenue had better be devoted to the advancement of intellectual culture, rather than to the fostering of unchristian church rivalry.

The backward progress of the Canadas and of the Maritime Provinces was dealt with at considerable length, and a striking contrast was drawn between the Canadian and American sides of the boundary line as regards commercial enterprise, the development of natural resources, and the attraction of capital and population, especially from the British Islands. In Canada, however, this was a subject as painful as it was obvious, and those who were represented as chiefly responsible for the con-

dition of the Canadas resented the comparison as utterly unpatriotic, and as evincing republican and anti-British sympathies. Other matters dealt with at considerable length, in connection with the economic difficulties of the Canadas, were immigration, land-granting and land-jobbing generally.

Finally, as a means of putting an end to a system which had resulted in the present crisis, and as the beginning of improved racial conditions, though unfortunately at a very late date and requiring many years to remedy the evils already rooted in the colony, the reunion of the provinces was strongly advocated, but on such a basis that the French-Canadians should be prevented from commanding the majority of the votes in the united legislature. For the French-Canadians were to be given to understand, once and for all, that their dream of an independent nationality was impossible, and that in a thorough union with the Anglo-Saxon element their whole future was bound up. In this united country they must look for a larger field in which their talents might have freer scope than would ever have been possible in the narrower and more uncertain range of an independent French dominion.

When Lord Durham's Report was published, though naturally unpalatable to the French-Canadians, for a time at least, it was scarcely other than was to be anticipated after the late crisis which had resulted in the suspension of representa-

RECEPTION OF THE REPORT

tive government in Lower Canada. There was therefore but little discussion of it on the part of the French. The English element in Lower Canada were so satisfied with its general conclusions, and especially with the recommendation of the reunion of the provinces, which was expected to redeem them from bondage, political and economic, that they passed over in silence, and many of them doubtless with a consciousness of their essential truth, the criticisms passed upon the objectionable constitutional methods employed by the legislative and executive councils in Lower Canada. As a matter of fact, many of the most abnormal uses made of both assembly and council in Lower Canada were but the natural and inevitable expression of the radical racial struggle there.

In Upper Canada, however, the party of loyalty, who were in their own eyes and in those of their friends the representatives of British authority and the defenders of the country against republicanism and rebellion, found their methods and system severely criticized, and their principles of government declared impossible of continuance. It is true that the methods of their opponents were as unsparingly criticized, and were shown to be equally impossible; but the central principles which they advocated, though with some confusion of ideas, were regarded as looking in the right direction, and pointing the way towards a more stable and workable form of government. To the champions

of prerogative the Report brought dismay, followed by anger and denunciation and the now familiar representation of the home government as itself tainted with disloyalty when its policy may not happen to harmonize with this or that colonial party which has made its particular interests the touchstone of imperial principles, and has assumed loyalty as one of its party cries. The favourite amusement of the baser sort of Loyalists in Upper Canada was to burn in effigy those members of the imperial cabinet who were suspected of being disloyal to the Family Compact's conception of imperialism.

The party of reform, struggling to dissociate themselves from the few misguided enthusiasts who had endeavoured to excite the people to rebellion in the name of reform, hailed Lord Durham's Report with unqualified delight. The criticisms of the Report on the crude methods of Reformers in conducting practical politics, and in their lack of appreciation of what organized government of the British type involved, were lost in their joy at finding both the methods and principles of the Family Compact condemned, and the central principles for which they had contended, however blindly, recognized as in essence correct. Their spirits revived; Lord Durham's Report became their Bible, with its golden texts from which they preached, often with no very refined exegesis, the gospel of responsible government. Those who accepted the policy

THE COMPACT MAKES REPLY

of the Durham Report were known by their opponents as Durhamites, with various *aliases* such as rebels, republicans, Yankees, traitors, with a long and frequently picturesque line of qualifying epithets not at all of a flattering nature. The Reformers replied in kind, and the Family Compact and their supporters had quite as many *aliases* with suitable qualifying terms, suggestive of corruption, tyranny, and oppression. Increasing torrents of mingled argument, declamation, and abuse being brought forth and finding a ready demand, the newspapers multiplied under the stimulus of the controversy.

The Compact party found it highly necessary to make a formal reply to Durham's Report, as the very citadel of their enemies. This was accomplished through the medium of two reports, one from a select committee of the House of Assembly of Upper Canada on the state of the provinces, the other a report of the select committee of the legislative council on Lord Durham's Report. These are very interesting documents, and show that, whatever the defects of the Family Compact, its representative members were certainly not lacking in ability. In the report from the assembly much space is devoted to a detailed recital of the depredations committed by escaped rebels from Canada, and by the various groups of sympathizers on the American side of the border. These are adroitly used to give colour to the attitude of the whole American people and their government. Altogether they painted a most un-

flattering picture of the people of the United States and their republican institutions, which are represented as exciting feelings of disgust in all right-minded Englishmen. This recital is employed to exalt the devotion of those who have saved Canada from the clutches of such an enemy, and who are made to suffer outrage and aggression solely because of their loyalty to their country. They served also to offset that contrast, unfavourable to Canada as compared with the United States, which was presented in Lord Durham's Report, and which they endeavoured to represent as an unwarrantable slur upon the mass of the Canadian people. Incidentally, too, the respectable people of the province, who are the vast majority of course, are represented as supporters of the views and feelings of the critics of Lord Durham and his Report.

Having painted such a dark picture of republican institutions and of their debasing effect upon human nature, what must be the character of any misguided Canadian who should look with a favourable eye upon that particular form of republicanism known as responsible government? When they have occasion to refer to Mr. Buller, Lord Durham's chief secretary, whom they evidently regard as the chief author of the Report, he is represented as a believer in republican institutions, an American sympathizer, and an advocate of anti-British and anti-monarchical principles. It requires no further argument, therefore, to prove his base-

VIRTUOUS INDIGNATION

ness and the lost character of any who should favour his views.

In their specific criticism of the Report, they represent the disappointment with which the loyal portion of the Canadian population learned of the selection of Lord Durham for the critical mission entrusted to him. He was known to be too favourable to those political views which alone had brought upon Canada all its misfortunes, but, as we have said, their chief compliments are paid to Mr. Buller, the open advocate of the views of Papineau and Mackenzie. They excuse themselves from going into details on many of the most essential features in the Report; they will merely take up typical features. They do not object to being represented as the party of wealth, power, land grants, government offices, and all other good things, but express surprise that these possessions should not be taken as *prima facie* evidence that they are the very people who ought to be in power. Assuming that the faction designated the Family Compact was supported by the great majority of the people of Upper Canada, they claimed that it was highly improper to represent "the great body of the people of the country as a 'Compact,'" and solemnly proceed to show that the chief office-holders in the executive government were not specially connected through hereditary descent. They even endeavoured to make common cause with the Reformers against the Durham Report, indicating that the latter were

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not treated with proper courtesy, inasmuch as they, too, came under certain criticisms, their ranks being represented as containing some who have a leaning towards the institutions of the United States rather than those of the Mother Country.

Altogether the reply was a very adroit performance, and though it does not appear to have checked the cause of reform very much, yet it brought comfort to many of the faithful to whom Lord Durham's Report came as a most disconcerting blow in their hour of triumph. As regarded the specific recommendations of the Report with reference to the future government of the Canadas, they touched upon two points only, the legislative union of the provinces, and the responsibility of the officers of government to the legislature. The first they were prepared to accept under certain special conditions which will be referred to later. But the second was regarded as "inconsistent with the dependence of these provinces as colonies upon the Mother Country."

The report from the legislative council was much briefer than that from the assembly, but expressed practically the same sentiments. The criticism is of the same character, deals with much the same points, and is delivered in the same strain. The accuracy of the Report is first assailed as to certain details of fact and inference, and then, with a wide sweep of the arm, these defects are communicated to the whole body of the Report. Passing over, as in the

CONTRASTED SYSTEMS

case of the assembly's report, the question of the Clergy Reserves, they devote special attention to the subject of responsible government, as most nearly affecting those in control of the provincial government. They admit it to be a very natural inference that the system of government in the Mother Country might be extended to all the British dominions, but they regard it as practically impossible to preserve the colonial relations on such a basis. They are convinced that Lord Durham's plan "must lead to the overthrow of the great colonial empire of England." Their contrast between the principles of the existing system and that which Lord Durham would introduce is thus expressed :—

" According to the present system, the governor of a colony exercises most of the royal functions, under the general direction of the ministers of the Crown ; he is strictly accountable for his conduct, and for the use he makes of the royal authority ; he recommends for office persons in the colony, or appoints those selected by the minister ; and he endeavours to conduct his government according to the policy of the imperial cabinet, with a view to the present prosperity and future greatness of a country in which England has a deep interest ; and above all things, with the intention of preserving, against all opposition, the unity of the empire. . . .

" According to the system proposed by the Earl of Durham, the advisers of the lieutenant-governor

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would not be officers who, in accordance with the policy of the home government, endeavour to aid the lieutenant-governor in conciliating the affections of the people; but they must be the creatures of the prevailing faction or party in the assembly, advising the governor altogether with a view to the wishes of the House for the moment, regardless of the opinions of the supreme parliament or those of the imperial cabinet, and having (though nominally subordinate) the power of forcing all their measures upon the governor.

“ The colonial governor must, in this case, be left without discretion or responsibility, and follow whatever changes may occur; in his colony he could take no directions from the minister of the Crown, nor, indeed, communicate with the supreme government, unless in the terms dictated by his responsible advisers, to whose directions he must submit far more completely than the sovereign to the advice of the cabinet. . . .

“ Either this must be the course pursued by a governor, with responsible advisers, or he must think for himself, independently of those advisers; and, as a matter of course, throw himself for information and advice upon irregular and unknown sources. In such an event, the responsible advisers resign; they have, perhaps, a majority in the provincial parliament, but they may, notwithstanding, be very wrong. Then comes a dissolution of the provincial parliament, and, perhaps, an ex-

A REAL DIFFICULTY

pression of public opinion, by a bare majority, against the government, and probably inimical to the interests of the empire. Who, then, is to yield? The government must, in fact, retire from the contest, whether right or wrong, or carry on public affairs without any advisers or public officers.

“This cannot be done; so that, after all, the governor of the colony must be responsible to the prevailing party in the colony; and, so far as empire is concerned, he becomes the sovereign of an independent realm, having no discretion, and therefore no responsibility.

“Under such a system, colonial dependence would practically be at end.”

This is undoubtedly a very clever presentation of the central difficulties to be met with in introducing a system of responsible government. In the light of what has actually happened it may be said to be technically correct, and yet in practice untrue. Undoubtedly, if formally specified and consciously introduced at one stroke, as was no doubt contemplated by the more ambitious advocates of responsible government, it would have been impossible to preserve the colonial relationship. But we have never even yet had responsible government on those terms. There has never yet been a specification as to where the line is to be drawn between the authority of the home government and the independence of the colonial government. It was, as we shall see, one of

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Lord Sydenham's chief triumphs that at the one period in our history when there was a temptation to draw such a line under persistent questioning, he managed to introduce the essence of responsible government without being forced to draw the line. Time was required and the exercise of much tact in so arranging the transition that while responsible government was being developed, and the necessary changes in the Canadian administrative system were being effected, a new and informal bond expressive of the spirit rather than the letter of the imperial relation should have time and opportunity for development. This gradual growth of a new body of tradition and unwritten custom of the constitution had to proceed some distance before the existing harmony between the monarchical institution of the sovereign and the democratic institution of the Canadian cabinet could be brought into working harmony. This form of government is demonstrably impossible, according to every *a priori* principle of law and politics, before it actually takes shape. In Canada, therefore, the Family Compact had little difficulty in theoretically demonstrating, as above, the impossibility of the co-existence of responsible government and the preservation of the ties of empire with the Mother Country. Naturally, the advocates of responsible government had as little, few of them indeed as much, insight into what was involved in their policy as regards British connection as the members of the Family Compact, for

THE ISSUES INVOLVED

the latter had much more carefully studied that aspect of the matter.

The more ardent advocates of responsible government looked to it chiefly for the accomplishment of a practical policy of executive government, under which only those could be retained in office who could command the confidence of a majority of the assembly. At the time of Lord Durham's Report they were much more anxious to be able to drive certain individuals out of office than to determine the niceties of the principles upon which their successors should hold office, or what relation they should bear to the governor-general and the home government.

Lord Durham's Report had declared that not a single prerogative of the Crown was to be impaired. On the contrary, several prerogatives not hitherto exercised were to be brought into effect, as was indeed accomplished by Lord Sydenham. On the other hand, the Crown must consent to carry on the government by means of those in whom the representative body in the legislature has confidence. If this were simply a matter of persons, there would of course be little difficulty. The Crown, we may suppose, has determined on a certain policy involving the exercise of certain prerogatives. If the only question were, is this line of policy to be carried out, and are these prerogatives to be exercised through the medium of persons in whom the representative body has confidence, or through those in

whom it has not confidence, then the answer furnished by Lord Durham's Report is clear and distinct. The policy must be carried out, and the prerogatives exercised by those in whom the representative body has confidence, whether *personæ gratae* to the Crown or not. Now it must be admitted that this was the chief problem for the time being. But if the question should arise, as undoubtedly it must and actually did arise, what is to happen if there is a difference of opinion between the home government and the colonial legislature as to concrete measures or a line of policy? Then we have a question of measures and not of persons. The real difficulty to be faced is that the representative body in the colony will have confidence only in those ministers who refuse, when necessary, to accept the policy of the Crown, or to permit the exercise of objectionable prerogatives. For this situation it must be confessed that Lord Durham's Report does not offer a specific solution; it simply vaguely appeals to the practice in England, and claims that it may be exercised in the colonies as well. But the British king and government are not constitutionally required to act in harmony with the policy and prerogatives of any ulterior power, whereas the government of Canada was assumed by Lord Durham's Report to be under this restriction. It was plain, therefore, that on these terms the general reference to the English principles did not fully meet the Canadian conditions. Tech-

WHERE THE REPORT FAILED

nically the Report was certainly open to this criticism, and there was as yet no adequate reply forthcoming to the dilemma skilfully presented by the legislative council. The speeches and articles of the advocates of responsible government who took Lord Durham's Report as their gospel, got no further than the Report itself in their efforts to clear up this difficulty. One and all fall back upon the parallel between the governments of Canada and Britain, and the necessity for a universal application of the British constitution to all parts of the British empire.

The Montreal *Gazette*, the able exponent of the views of the English element which had held the ascendancy in the executive and legislative councils in Lower Canada, and which was strongly in favour of the reunion of the provinces but opposed to responsible government, was particularly clear on the subject of the many difficulties involved in the formal acceptance of the principle of responsible government. It defied any of the persons or papers in favour of this principle, from Lord Durham to the Toronto *Examiner* (Mr. Hincks's paper), to say what it was that they meant by responsible government, and declared that they either did not know or dared not say. Indeed, in the vast majority of cases it was quite obvious that they did not know. But it might be reasonably supposed in the case of a few men, such as Francis Hincks and Joseph Howe, whose papers, the *Examiner* of Toronto and

the *Nova Scotian* of Halifax, gave much the ablest presentations of the principle of responsible government, that they did not quite care to declare all that was latent in the principle.

Obviously, here was an issue which required a practical, rather than a theoretic, solution. It has not to this day received a theoretic solution, as witness the long list of failures which have been and are still being produced in the attempt. So peculiar was the problem that, as in the case of the British constitution itself, those who were chiefly instrumental in furnishing a working solution were the least ready to furnish a theoretic statement of it. As we shall see, it was left to Lord John Russell and Lord Sydenham to present a practical solution for Canada by a more adequate expression of what was involved in practice in the British system as advocated by Lord Durham's Report.

CHAPTER VIII

A TANGLED PROBLEM

FTER the recall of Lieutenant-Governor Sir F. B. Head, who, with the narrowest and most irreproachable logic, followed the theory of the Family Compact as to the relation of the colonial to the imperial government, Sir George Arthur was appointed lieutenant-governor of Upper Canada. As a man of practical wisdom and business training he was much superior to Lieutenant-Governor Head, and under more fortunate circumstances would doubtless have proved a fairly efficient, though somewhat timid, governor. But, as he was himself anxious to prove on the arrival of the new governor-general, he had followed faithfully in the steps of his predecessor, understanding that to be the wish of the colonial office. He considered it his chief duty to maintain peace in the colony, and re-establish the situation which existed before the crisis. Everything tended therefore to render him a typical victim of the atmosphere furnished for him by the Compact party. In all his public utterances he breathed only the sentiments expressed in the two replies to Lord Durham's Report above referred to.

Sir George Arthur had already written to the home government, in May, 1839, one of those naïve

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and almost pathetic despatches which he penned during that year. In this he points out the very awkward position in which the Durham Report has placed him. He claims to have received from Lord Glenelg, before leaving England, a personal assurance that the line adopted by Sir F. B. Head had been satisfactory to the home government, and an intimation that he should follow the same policy. This he admits that he carefully did, allying himself with the Compact party, the friends of Head, and following their lead. Great excitement had prevailed throughout the province. Several individuals, he admits, were arrested upon very slight evidence and treated as traitors. He himself had been as lenient as possible, but then it was necessary to be severe on the rebels, otherwise he would have incurred "the dangerous resentment of the Loyalists." Howe's paper, the *Nova Scotian*, remarked upon the highly indecent and bloodthirsty spirit displayed in the editorials of the Tory papers in their demands for the blood of every merely suspected rebel. But, the lieutenant-governor continues, Lord Durham's Report had harshly criticized the party of loyalty, and found justification for many of the grievances complained of by the Reformers, or Republicans. He, on the contrary, had taken every opportunity in public and in private to praise the party of loyalty, and to severely lecture the other party for the evils which they had so unwarrantably brought upon the country, until

SIR JOHN COLBORNE

he had reason to believe that the latter were, for the most part, in a properly contrite spirit. It must be obvious, therefore, what a revulsion of feeling had been caused by those parts of the Durham Report to which he has referred. He will not deny that there may be considerable truth in them, but it was a great mistake to permit those portions of the Report to be published.

Sir John Colborne, the able commander of the forces in Canada, who had preceded Head as lieutenant-governor in Upper Canada and also Lord Durham as governor-in-chief in Lower Canada, had again succeeded to Lord Durham's powers on his dramatic departure from the country. Colborne was a man of strong individuality and thorough independence of character. Essentially of the old school in colonial polities, and trained for military rather than for civil government, he had nevertheless acquired much valuable experience in Canada, and his counsel was highly valued by both Lord Sydenham and Sir Charles Bagot.

After the suppression of the first outbreak of rebellion in Lower Canada the English element with one voice maintained that it must never again be in the power of the French-Canadians to obstruct the normal progress of Canada, or to cherish the vain ambition that they might separate the province of Lower Canada from British connection and set up an independent French nationality. To secure this purpose without an indefinite suspension of repre-

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sentative government, the reunion of the Canadas was proposed, on such a basis as would place the French-Canadians in a minority in the legislature. To promote the advocacy of this policy in Lower Canada, and to secure the consent and co-operation of the people of Upper Canada for its accomplishment, were the chief purposes of the Constitutional Associations of Quebec and Montreal, with branches in other centres. This movement was promoted by the leading citizens and commercial men of these cities, prominent among whom were Hon. George Moffat, Hon. Peter McGill, William Badgeley, Andrew Stuart, and J. Forsythe. They had very fully presented their arguments before Lord Durham and his chief secretary Charles Buller, arguing in favour of the reunion of the Canadas and against the expediency of attempting to secure a union of all the British North American provinces. Special difficulties in the way of the latter were likely, they foresaw, to postpone any union for some time, while the Canadian crisis demanded prompt action. The Hon. George Moffat was delegated to promote the cause in Upper Canada. They sent a delegation to Britain also to urge the measure on the home government, and to present petitions to the queen and both Houses of Parliament in favour of it. The home government was doubtless fully as much influenced by the representations of the leading business men of the Canadas, backed by their London correspon-

UPPER CANADA AND REUNION

dents, as by the recommendations of the Durham Report.

The policy of the reunion of the Canadas was favourably regarded by the general body of the people of Upper Canada, chiefly, however, on economic grounds, as promising for their commerce a free intercourse with the world. In February, 1838, the assembly had passed a series of resolutions attributing the chief cause of the evils under which the Canadas were suffering to the unwise division of the colony into two provinces, and had framed an address praying for their reunion. The council did not approve of the resolutions, for the reunion was not at all popular with the official element in Upper Canada, who, while recognizing that it presented some advantages for the province as a whole, also recognized that it was likely to disturb their official positions and their hold upon the administration of the government. A united province would doubtless furnish a wider field for political ambition, but who could tell whether that larger life might not be for others. Then, if the capital should be located elsewhere, even should they still be fortunate enough to follow it, what would become of their local investments and their numerous subsidiary methods of augmenting their incomes? These were serious questions which tended to make cowards of the bravest officials, hence they decided to enjoy the benefits they had rather than seek for others that they knew not of. They therefore discouraged the

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union project, and so, in consequence, did Sir George Arthur. But the latter, recognizing from the drift of discussion in England that the home government was likely to favour union, began to hedge by declaring that whatever decision was ultimately adopted by the home government must be loyally accepted by the colonies.

The assembly, being largely under the influence of the prevailing element in the council, endeavoured to meet its wishes. On the 27th of March they presented a new set of resolutions, the preamble to which was as follows: "That in reference to the resolutions of this House upon the subject of a legislative union of the provinces of Upper and Lower Canada, this House is distinctly opposed to that measure, unless the conditions as embodied in the following resolutions be fully carried out in any Act to be passed by the imperial legislature for that purpose." The resolutions which followed stipulated that the seat of government should be in Upper Canada; that the eastern or Gaspé portion of Lower Canada be joined to New Brunswick; that the qualification for members of the assembly and council be fixed in the Act of Union; that it should not make void any of the appointments of the present legislative council, while future appointments should safeguard the commercial, agricultural, and other interests of the province; that the number of members in the assembly should consist of fifty from Lower Canada, and from Upper Canada

CONDITIONS OF UNION

of its existing quota; that the elective franchise in counties be confined to those who hold their lands in free and common socage, from and after a given date not later than 1845, the imperial parliament to facilitate the change of tenures in Lower Canada so as to permit of the free exercise of the franchise; that there be a readjustment of the electoral divisions of Lower Canada; that the English language be employed in the legislature, courts, etc.; that courts of appeal and impeachment be established; that the surplus revenue of the post-office, and all other branches of revenue be placed under the control of the legislature; that the debt of both provinces be chargeable upon the joint revenue; that the legislature have control over customs duties, subject to the restrictions of the 42nd section of the Constitutional Act of 1791; and that, with the above exceptions, the Constitutional Act remain inviolate. But even this carefully guarded form of union did not prove wholly acceptable to the majority of the council. It was rejected by a vote of ten to eight, the council reaffirming its position as elaborately laid down in the report on the state of the province and the address to the Queen of February 13th and 28th, 1838, in which they maintained that the system under which the colonies were being administered was the only admissible one. If, as they said, the home government had only been firmer in maintaining this instead of weakly granting concessions to the agitators in Upper and

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Lower Canada, there would be no trouble in the colony at present. To revert to the former system was the only reasonable policy.

A number of the official class, as an alternative to the union of the two provinces, were inclined to revert to the older view of imperial federation advocated before the American revolution, and at various intervals afterwards. This view was expressed in several pamphlets of the time, and was voiced by Attorney-General Hagerman in the House of Assembly during the debate on the resolutions. His plan was to erect the combined British North American provinces into a kingdom, such as Ireland, to be governed in a similar manner. In other words, the British North American provinces, instead of having any local legislatures to breed troubles, would send a certain number of members to the British House of Commons, while the administration of the colonies would be carried on through the medium of a viceroy and permanent officials, as in the case of Ireland. This he considered would obviate the more serious objections to the present system. By removing the provincial barriers to trade and intercourse it would permit of the general development of public works, promote immigration, and secure the only form of responsible government which was at all admissible.

It was quite obvious that the Canadian situation was in a very tangled condition, and that, in addition to the multitude of minor differences between the

CANADIANS AT CROSS-PURPOSES

members of the various groups, the chief divisions of the population were entirely at cross-purposes as regards the two great issues, the reunion and responsible government. The French-Canadians generally strongly favoured responsible government, but were equally strongly opposed to the union; the English element in Lower Canada were the most active advocates of union, but were strongly opposed to responsible government. The Compact party in Upper Canada were opposed to union, except as a last resort and under numerous safeguards, and they were uncompromisingly opposed to responsible government; while the reform element in Upper Canada were more favourable to union, as relieving the Upper Province from many financial and commercial disabilities, and were altogether in favour of responsible government. Obviously the home government in deciding its policy, and in selecting the governor-general to be sent out to bring it into operation, would have to reach their decisions mainly on the basis of their own best judgment.

At the time of Lord Sydenham's appointment; the general decision of the British ministry as to the future of the Canadas was expressed by Lord John Russell in his speech of June 3rd, 1839. Following the royal message of a month previous, he declared that "it is now my duty, as a minister of the Crown, to call upon parliament to lay the foundation for a permanent settlement of the affairs of Canada." After referring to the unfortunate ter-

mination of the mission of Lord Durham, and indicating that the time for any further reporting on the condition and government of the country had passed, he said it was necessary to declare their permanent policy as to the future government of the country. The chief source of trouble in Canada had been the unwise policy of determining to preserve intact the French institutions, and on this ground separating the province into two parts, with the inevitable result that the French province of Lower Canada tended to frustrate the commercial development of the Upper Province by blocking communications with the sea. But further, as it was impossible to prevent the development of English communities in Lower Canada, there was ensured a conflict between the races. The chief features in the progress of the conflict were traced, and the conduct of both parties was shown to have been unjustifiable on constitutional grounds, but natural and inevitable on account of the original mistake of the British government. When, however, the home government showed an inclination to heed the complaints of the popular party in Lower Canada, they were met with greatly increased demands, "demands which in fact would, if granted, have established under the name of a British province, an independent French colony in Lower Canada." The demands of the assembly being refused, the supplies were withheld, but, so far as needed for the maintenance of the executive government, these

ALTERNATIVES TO UNION

were furnished by the British treasury. This further exasperated the French-Canadians, some of whom proceeded to such lengths that warrants were issued for their arrest on the charge of high treason. They left the country, and rebellion was precipitated, the constitution of Lower Canada suspended, and Lord Durham sent out.

The original mistake, then, was that which led to the division of Quebec province. The primary remedy to be applied, therefore, seemed to be the reunion of the provinces. But, before considering that, he passed in review other proposals urged in some respectable quarters and which had been seriously considered. First there was the suggestion to govern Lower Canada indefinitely under a governor and special council. But this seemed so repugnant to the feelings of the American continent that it would be sure to perpetuate discontent among both races. Neither was it considered feasible to adopt the policy of uniting the district of Montreal to Upper Canada, leaving the rest of Lower Canada to be governed as before. That would only very partially relieve the commercial difficulties of Upper Canada, while it would leave the same troubles as before to be faced in the rest of Lower Canada, and after past experience that must be regarded as impossible. Still another proposal was that for the union of all the provinces of British North America, each with a separate assembly, and with one supreme legislature over all. Before Lord Durham went out

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to Canada he had consulted Sir James Kempt, who had pointed out that from the very irregular and defective means of communication between the Maritime Provinces and the Canadas it was not at all practicable. However, after considering all the proposals, Lord Durham went out very much impressed with the scheme for a general union of all the provinces; but after a full conference with persons representing all the colonies he had abandoned the project, and recommended the union of the Canadas alone. This then seemed to be at the time the only practicable solution. Lord John Russell did not, however, consider it wise to specify any given number of representatives for Upper or Lower Canada, nor was it a sound principle to say that population alone should determine representation. He considered that 1842 would be sufficiently early for the calling of the first united legislature. He then passed on to consider some of the detailed recommendations of Lord Durham's Report. He favoured his general policy with reference to the establishment of municipal government, did not believe in an elective council, but held that the parties appointed to the legislative council should previously have been members of the assembly, or held other important positions in the colony. He was willing that the Crown revenues should be placed entirely at the disposal of the assembly, subject to a permanent provision for the civil list. He then went into the question of re-

A CAUTIOUS ADVANCE

sponsible government at considerable length, indicating a large measure of concession. "It seems to me as much a rule of sense as of generosity, that there are some questions on which it would not be desirable that, on the opinion of the Secretary of State for the Colonies, the opinion of the House of Assembly should be put aside," hence the opinions of the assembly should be treated with every respect. "But I am not prepared to lay down a principle, a new principle, for the future government of the colonies, that we ought to subject the executive there to the same restrictions as prevail in this country."

Referring to the numerous petitions and representations received from different bodies in Canada on the subject of the union, he mentioned the resolutions of the legislature of Upper Canada which had just been received that day, and in which they insisted upon conditions and terms which could not, in his opinion, be reasonably or fairly granted. He also referred to the reports of the assembly and council of Upper Canada on Lord Durham's Report, and their claim that they should be heard before anything final was determined upon with reference to the future of the colony. In deference to these opinions he did not propose to settle the details immediately. If the resolutions he has to propose are accepted, he will introduce a bill, but it will not be proceeded with until the Canadians have had an opportunity to express their views

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upon the measure. He recognized also that whatever policy was adopted with reference to Canada would naturally affect Nova Scotia and New Brunswick. The resolutions which he presented were as follows: (1) "That it is the opinion of this House that it is expedient to form a legislative union of the provinces of Upper and Lower Canada, on the principles of a free and representative government, in such manner as may most conduce to the prosperity and contentment of the people of the united provinces." (2) "That it is expedient to continue till 1842 the powers vested in the governor and special council of Lower Canada by the Act of last session, with such alteration of these powers as may be deemed advisable."

In the debate which followed, Mr. Hume, the Radical M.P. and correspondent of Mackenzie, objected very strongly to leaving matters in suspense till 1842. What the people of Canada wanted was a constitution under which they could govern themselves. Sir Robert Peel, on behalf of the Opposition, made a very non-committal statement, mildly criticizing the government for not being ready to go on with the details of their policy. Mr. Charles Buller was glad the government had adopted the principle of the union of the Canadas, but would have preferred to see them adopt the larger suggestion of Lord Durham's Report, a union of all the provinces. He also regretted that Lord John Russell should have expressed an

A TENTATIVE UNION BILL

opinion adverse to the introduction of responsible government into the colonies. He would not, however, oppose any bill for the union of the Canadas, since such a measure must bring with it in time the practice of responsible government.

After considering more fully the communications from Sir George Arthur and the reports from the assembly and council of Upper Canada, which protested against the settlement of the future of the Canadas without giving to the people of the province an opportunity to be heard on the subject, Lord John Russell announced to the House of Commons that he would withdraw the resolutions with reference to the union of the Canadas and submit a draft bill which would be subject to alteration and amendment at the suggestion of the legislatures of the provinces. He thus indicated his willingness to permit the Canadians, so far as they could agree among themselves, to have a voice in determining their future system of government. This bill, introduced on June 20th, 1839, was entitled, "A Bill for Re-uniting the Provinces of Upper Canada and Lower Canada, and for the Government of the United Provinces." The special features of the bill were, in addition to the union of the provinces, a provision for a system of municipal government by the subdivision of the united provinces into five districts, and the constitution of district councils. Each of these districts again was to be subdivided into nine electoral districts, re-

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turning two members each to the provincial parliament. The district of Gaspé and the Islands of Madeleine were to be transferred from the province of Lower Canada to that of New Brunswick. As most of the details of this measure were afterwards altered, under the advice of Lord Sydenham, its characteristic features will be sufficiently indicated in his criticism of the measure.

To bring this draft bill before the Canadian people, to recommend to them its general principles, and to secure the necessary local information for the perfection of its details, and, when sanctioned by the home government, to bring the united legislature into practical operation, and thus launch the new government of the Canadas upon a happier and more stable career, constituted the important though difficult task assigned to the Right Honourable Poulett Thomson when he was selected as Canadian governor.

Meantime, as the result of the publication throughout the country of Lord Durham's Report, there was growing up a new excitement in Upper Canada. Meetings were being held in every quarter for the discussion of the question of responsible government, which was furnishing a real issue for the formation of rival political parties. This naturally caused quite a readjustment of views. Many who had no sympathy with the policy of violence now found that they had in Lord Durham's Report a respectable rallying-point, where

SIR GEORGE ARTHUR'S ATTITUDE

the views of Bidwell and Baldwin were separated from the methods of the ultra-Radicals. Sir George Arthur was very much alarmed at the progress of the responsible government idea. "The question of the union is now very little discussed in Upper Canada;" he reports, "not only Republicans and ultra-Reformers, but some excellent persons of Liberal principles are most clamorous for 'responsible government,' and, strange enough, this is demanded by persons who, in other respects, strongly condemn Lord Durham's Report, as well as the bill that has been sent out, as too democratic, and likely to lead to aspirations which they protest they do not desire, whilst they ask for a measure that must inevitably dissolve the union."

In the latter part of August, 1839, Sir George Arthur took a very public stand in opposition to responsible government. The occasion selected was the formal transmission to him of a set of resolutions adopted at a general meeting of the people of the district of Gore held at Hamilton on July 27th, 1839. Some eight resolutions were passed expressing attachment to the British Crown, but claiming that the report of the committee of the assembly in criticism of Lord Durham's Report did not represent the sentiments of the majority of the people of the province, and expressing entire approval of the Durham Report and its recommendations. They maintained that a speedy carrying out of its recommendations would have a most

beneficial effect upon the province, and particularly "that a responsible government, as recommended in Lord Durham's Report, is the only means of restoring confidence, allaying discontent, or perpetuating the connection between Great Britain and this colony." They desire the dissolution of the present assembly, and pledge themselves to support only such candidates as favour Lord Durham's Report and the union of the Canadas. The meeting appointed a committee to draft an address to the queen based on these resolutions, and to invite co-operation from the other districts of the province. Copies of the resolutions were also to be sent to Lieutenant-Governor Arthur, the colonial secretary, and the Earl of Durham.

Sir George Arthur replied on August 24th. He acknowledged the respectable and representative character of the meeting. Having given the subject of responsible government "the most deliberate consideration," he asserts, both as his own view and, he believes, the view of the home government, that such a proposal would destroy the union between the colony and the Mother Country, and render the former independent. There would be no harmony of policy as there ought to be between the colonial and the British governments. As for himself, he professes special interest in the colony and outlines some improvements which might be made, but repudiates the implication that any special set of persons have an undue influence over

WELL-MEANT BUT ILL-ADVISED

him. The resolutions and the reply were published in full in the official *Gazette*, a copy of which was forwarded to the colonial office. In acknowledging it, Lord John Russell commends the lieutenant-governor's good intentions, but cautions him not to do it again. As we shall see, Arthur's statements were shortly afterwards the occasion of no little embarrassment to himself, when he learned the sentiments of the new governor-general, and even of the colonial office.

the population from gravitational collapse. Isolating mass elements from the outer shell and applying the energy-momentum continuity condition to the outer boundary of the mass element, we find that the total energy contained in the mass element is given by the expression

$$E = \frac{1}{2} \int_{\text{outer boundary}} \left(\rho c^2 + p c^2 \right) dV + \frac{1}{2} \int_{\text{outer boundary}} \left(\rho c^2 + p c^2 \right) \frac{1}{r} dA \quad (1)$$

where ρ is the mass density, p is the pressure, c is the speed of light, and dV and dA are the volume and area elements, respectively, of the outer boundary.

Using the continuity condition, we can express the total energy of the mass element in terms of the energy contained in the inner boundary of the mass element, which is given by the expression

$$E = \frac{1}{2} \int_{\text{inner boundary}} \left(\rho c^2 + p c^2 \right) dV + \frac{1}{2} \int_{\text{inner boundary}} \left(\rho c^2 + p c^2 \right) \frac{1}{r} dA \quad (2)$$

where ρ is the mass density, p is the pressure, c is the speed of light, and dV and dA are the volume and area elements, respectively, of the inner boundary.

Using the continuity condition, we can express the total energy of the mass element in terms of the energy contained in the outer boundary of the mass element, which is given by the expression

$$E = \frac{1}{2} \int_{\text{outer boundary}} \left(\rho c^2 + p c^2 \right) dV + \frac{1}{2} \int_{\text{outer boundary}} \left(\rho c^2 + p c^2 \right) \frac{1}{r} dA \quad (3)$$

where ρ is the mass density, p is the pressure, c is the speed of light, and dV and dA are the volume and area elements, respectively, of the outer boundary.

Using the continuity condition, we can express the total energy of the mass element in terms of the energy contained in the inner boundary of the mass element, which is given by the expression

CHAPTER IX

A NEW TYPE OF GOVERNOR

WE have now seen how numerous and conflicting were the cross-currents of interest and policy which divided the inhabitants of the Canadian provinces. We have seen also what was the general purpose of the home government as to the future administration of the colonies, and from a general survey of the situation we may in some measure realize what a difficult task the new governor had undertaken, and what special qualities of rapid perception, breadth of sympathy, sound judgment, and endless patience and tact would be required to accomplish a working basis for the Canadian government, not to mention an entirely consistent and smoothly operating political system.

It was not until the middle of September, 1839, that the news that Lord John Russell had taken up the colonial office, and that the Right Honourable Poulett Thomson had been appointed as governor-general of British North America, reached Canada. The announcement was received with much doubt even by the Reformers, and with dismay and anger by the English element in Lower Canada and the Compact party in Upper Canada. His free trade principles were particularly distasteful to the commercial element in Quebec and Montreal,

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who took their cue largely from their principals in London, most of whom were deeply interested in the Canadian timber trade, which was supported chiefly by heavy British bounties. They were also at that time pressing to have Canadian grain and other produce granted special privileges in the British markets. Further, the new governor's known sympathy with radical principles indicated that he was likely to favour in Canada the advocates of responsible government and other heresies. So alarmed were the British interests connected with Canada that, on learning of the selection made for the Canadian governorship, they petitioned against Mr. Poulett Thomson's appointment.

The Canadian newspapers, as a rule, judged him from the point of view of the matters in which they disagreed with him. In consequence, those of the most opposite parties were disposed to condemn him without a hearing. The French papers were opposed to him because he represented the union policy of the home government and a British future for Canada; those of the English section in Lower Canada were hostile because he was the enemy of the Canadian timber trade, and because he was supposed to favour responsible government; the Compact party in Upper Canada opposed him because of his union policy, his sympathy with responsible government, and his general radical tendencies. The Quebec *Mercury*, though voicing the alarm of the timber trade, expressed the hope

ANTICIPATIONS

that when he saw the actual condition of trade from the Canadian point of view he would probably be more favourably disposed towards an industry which engaged British capital, labour and shipping. The Montreal *Gazette*, after expressing great regret at the departure of Sir John Colborne, declared that his successor belonged to a party which commanded little respect in Canada. However, as governor, he must receive a certain deference, and be given a fair chance, but it adds this solemn warning, "We promise him that, should he deviate from the stern integrity, the devoted loyalty, the unwearied zeal and strict impartial demeanour of his predecessor, he will have to sustain an opposing force which no authority can repel, no ingenuity avert, no talent subdue." Thus it would appear that there were others besides French-Canadian Nationalists and "Yankee-visaged Reformers" who could make it unpleasant for a British governor who did not happen to conform to their views. The Kingston *Chronicle and Gazette*, one of the more moderate of the organs of the Tory party in Upper Canada, thus refers to the new governor. "Perhaps the most important part of the news to the Canadian reader, is the appointment of the Right Honourable Charles Poulett Thomson as captain-general and governor-in-chief of these provinces. Mr. Thomson, besides being a Whig Radical, has for years been a known opponent to the Canada lumber trade; being himself deeply interested in

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the Baltic timber business. His appointment, under these circumstances, cannot be viewed with any great complacency by the loyal portion of this community. He is, however, a man of experience and abilities as a merchant, and his proposed visit across the Atlantic may be the means of dispelling some of his former prejudices, as has been the case with all others under similar circumstances. His Excellency and suite are to come to Quebec in the *Pique* frigate."

The committee of the North American Colonial Association, a London organization which took a special interest in Canadian affairs, through their chairman, R. Ellice, sent an address to the prime minister, Lord Melbourne, expressing their regret at the reported retirement of Sir John Colborne from the Canadas, and stating their conviction that the separation of the civil and military authority would be very dangerous at that time. Finding that the Right Honourable Poulett Thomson is contemplated as his successor, while they have no criticism to make of Mr. Thomson personally, yet they deem it their duty to express "their deliberate conviction that his known opinions on subjects involving the interests of the colonies would necessarily deprive him of their confidence, without which it would be impossible for him to administer the government of the colonies with advantage or safety." In several other quarters more virulently loyal there were even more vigor-

SUSPENDED JUDGMENT

ous expressions of dissatisfaction with the new appointment.

It will be seen that the new governor was not awaited in Canada with the usual confidence by those elements who were wont to find the successive governors prepared by their previous associations to be entirely sympathetic with their views and vested interests, and therefore prepared to fall ready victims to their influence. It was evident that this new type of governor, a civilian, a practical statesman, and a Liberal, was to be severely tested from the day of his arrival.

Though the Reform organs in Canada had said little with reference to the new governor, being uncertain as to his policy, the attacks which he received in the organs of their opponents naturally inclined them to sympathize with him in advance. As time passed, further light came from over the Atlantic. The Montreal *Courier* published an extract from a letter received from an English gentleman interested in Canadian affairs, which had a somewhat reassuring effect.

“I have had an interview with the new governor, who appears anxious to get all the information he can respecting his new government. What I have seen of him promises very fair; he is in favour of the union of the two provinces, seems to think well of the bill introduced into parliament for that purpose; he thinks the colony ought to, and must, be made British, the better to secure its allegiance

to Great Britain ; he is anxious that no impressions should go abroad that he brings with him into the government any settled line of politics, or a wish to pursue any course that can be considered inconsistent with the best, or at variance with the British, interests of the country ; and hopes to receive the assistance of the well-disposed, the better to attain this object. It is, no doubt, right to give to every man, more particularly to such a high officer as a governor, all due credit for his good intentions, but the surer criterion is to judge by his acts and not by his promises. Mr. Thomson's political creed heretofore, has not been in favour of the colonies, particularly in regard to the timber duties ; and being lately a member of the present administration may induce many to stand aloof from him, from an apprehension of his political principles. This, however, would be wrong, and injurious to the very cause we are all interested to promote ; he ought, in the outset at least, to receive the countenance and assistance of the valuable part of society, to keep bad advisers from him, if we hope to derive benefit from his administration. There is no doubt that Mr. Thomson's views, in accepting the government of Canada, are to acquire a name that may promote his own advancement ; and nothing can do this so effectually as his success in effecting a proper system of government in that country. Mr. Thomson is a man of business habits —he was formerly a partner in a great commercial

AN INTERESTING FORECAST

house in Russia, and by his talents was promoted to the Board of Trade; and I should hope he will not be backward in promoting the commercial interests of his new government. He leaves this in a few days, and intends to take up his residence at Montreal."

But by far the most interesting and important announcement of the policy of the British government and of the attitude and intentions of the new governor on the eve of his departure for Canada, was given in the *Colonial Gazette* of London, in its issue of September 18th. This appeared three days after the departure of Mr. Poulett Thomson from Liverpool, but, in virtue of the recently established steam service on the Atlantic, reached Canada and was reproduced in all the leading Canadian papers before the governor-general's arrival at Quebec. The claim of the paper that its information was authoritative is completely borne out by the confidential correspondence between the governor and the minister. The interest and value of this article are due to the fact that it is a completely unreserved, even indeed, in parts, an overstated expression of the real attitude of both Russell and Thomson as to the main lines of the policy to be pursued with reference to Canada, a policy which we find was in the main duly carried out, subject only to the minor modifications required by a close study of local conditions undertaken by the governor-general during his residence in the country. It was obviously

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impossible, however, for either the minister or the governor to directly or personally express several of the views and features of policy attributed to them by the *Colonial Gazette*. The more important portion of the article is here given:—

“ As soon as it was clear that the pelting of the pitiless storm on the head of poor Pow would not deter him from proceeding on his mission, we endeavoured to ascertain what line of policy he intended to pursue in Canada as a representative of the imperial government. Our inquires have been successful. We are now able to state the views and purposes with which Mr. Thomson himself has declared that he undertakes this perilous mission. We shall speak at least on *his* authority, he may change his mind, or may want firmness to carry into effect his own deliberate intentions; but that these were, before he left England, such as we shall now describe, we assert with perfect confidence. We shall state only that which we could prove, if necessary, by legal evidence. If our representations are *true*, it is of the highest importance that they should be *believed* by the colonists.

“ In the first place, then, according to our information, Mr. Thomson expects a very unfavourable reception in Lower Canada, on account of his known opinions with respect to the timber trade, but hopes to obtain the confidence of the British race in that province as soon as they learn his opinions on other Canadian subjects.

POLICY ON THE RACE ISSUE

“Secondly, he has been convinced by Lord Durham’s Report, despatches, and *conversation*, that French ascendancy in Lower Canada is simply impossible, that any attempt to preserve the French-Canadian nationality would not merely fail but would be an act of wickedness, inasmuch as its only effects would be to prolong the agony of a nation which, as such, is doomed to extinction, and to exasperate those bitter national animosities which can never cease till the French shall, as such, be swamped by the legislative union. He is satisfied of the extreme impolicy and cruelty of the vacillating course pursued by successive governments at home, none of which has yet made up its mind on the French and English question in Lower Canada, all of which have hesitated between two opposite opinions, now favouring the French and then the English, but neither long, nor either decidedly; whereby both races have been subjected to innumerable evils, for which the only possible remedy is the establishment of a thoroughly English nationality, with *complete equality* for the French as British subjects. He abjures the principle of ascendancy for the numerical majority as utterly impracticable in Lower Canada, because the French race, though the stronger in mere numbers, is the weaker in every other respect; but he upholds the principles of ascendancy for the majority with regard to all Canada, where the English predominate in numbers; and he is therefore resolved to promote by all

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the means in his power a complete union of the provinces. He rejects the notion, which some few passionate men entertain, of crushing the French by injustice and violence, but adopts without qualification or reserve the plan of swamping the French, once for all, by rendering them a minority in United Canada. In a word, he cordially embraces Lord Durham's opinions on *the* question which concerns Lower Canada.

“Thirdly, as respects the Upper Province, the new governor believes that the evils which afflict that colony have been occasioned by neglect and mismanagement on the part of the imperial government; that the only complete remedy for deep-rooted abuse is the union of Upper Canada with the Lower Province, whereby one powerful colony would become respectable in the eyes both of the authorities at home and of the neighbouring states; that the great majority of the inhabitants of Upper Canada are essentially loyal, and most desirous to maintain the connection with England; that the only traitors in the province are a very small minority, composed of some followers of Mackenzie—foolish and cowardly braggarts, who may be safely despised; and that the worst enemies of the colony are the Family Compact faction, which, therefore, it is most expedient to destroy, root and branch, without an hour's delay.

“Fourthly, with respect to the question of responsible government, Mr. Thomson is of opinion

FAVOURS RESPONSIBLE GOVERNMENT

that no settlement of Canadian affairs can be satisfactory or permanent unless the new colonial government be founded on the principle of representation and also on the principle of admitting the natural *consequence* of representation—namely, the administration of local affairs in constant harmony with the opinions of the majority in the representative body. On this point also, notwithstanding Lord John Russell's declaration against responsible government, *by that name*, Mr. Thomson adopts the views of Lord Durham as put forth in the high commissioner's report. He conceives that representation is a mockery, and a very mischievous mockery too, if the executive is not made responsible to those in whom the people confide. By what special means he would secure this indispensable condition of peace and order under the representative system, we are not informed; but we have reason to conclude that he intends to be guided upon this point by the opinion of the leading men of the British race in both Canadas. He could not resort to any more competent advisers."

The fifth section of the article refers to the determination of the British government, through Russell and Thomson, to settle the future government of Canada during the following session, but to do this subject to maintaining British connection in accordance with the wishes of the most representative colonists themselves. The sixth section refers to the intention of the new governor to give

the Upper Province an opportunity to pronounce on the future government of the colony by dissolving the present legislature. The seventh section refers to the necessity, while the governor is in Upper Canada, of leaving in Lower Canada some one who would adequately represent him there. "His choice, we understand, has fallen upon the present chief-justice of Quebec, Mr. James Stuart; of whom it may be said, without at all disparaging others, that he is the ablest and most statesmanlike person in British North America. He enjoys, more than any other, the confidence of the English race in Lower Canada and more than any other Englishman the confidence of the French, notwithstanding their hatred of him as the leader of the English. As the champion of the English race, the great advocate of the union, the denouncer of official abuses, the first lawyer, one of the greatest proprietors, and the chief functionary of the province, appointed by Lord Durham amid the shouts of applause from the whole British population, Mr. Stuart is the fittest man in Canada to advise any governor-general." The article closes with a rather unflattering forecast as to the firmness of the new governor in carrying out this programme, "While, therefore, we repeat our full conviction that Mr. Thomson is gone to Canada with the opinions and objects which we have here enumerated, let it be distinctly understood that we have little hope of seeing them realized, except

THE GOVERNOR'S INSTRUCTIONS

through the united and steadfast determination of the colonists to make use of him as an instrument for the accomplishment of their own ends." How far Mr. Thomson was to refute this last estimate, his short but crowded career in Canada was to prove.

The general formal instructions given to governor-general Thomson were dated September 7th, 1839, and were composed of those given to his predecessors, beginning with Lord Dalhousie in 1820, and including the additional instructions, so far as not repealed, issued to the succeeding governors down to Lord Durham and Sir John Colborne in 1838. At the same time he was given certain additional instructions in consequence of the Act passed in 1839 to amend and enlarge the scope of the Act for "making temporary provision for the government of Lower Canada," and which provided for the giving of a more representative character to the Special Council of Lower Canada, the membership of which was increased to twenty.

In the letter which accompanied these instructions and his commission as governor-general, his friend and late colleague Lord John Russell, now colonial secretary, stated that his special knowledge as a late member of the ministry rendered it unnecessary to go into details with him on the duties of his new office. However, it was necessary for future reference that he should record the intentions of the ministry on the chief points of

Canadian policy, and on which Thomson would be required to co-operate with the minister. The draft bill for the reunion of the Canadas, which had been introduced into the House of Commons, embodied the results of a careful consideration of Lord Durham's Report. It had been delayed, however, in deference to Sir George Arthur's recommendations and the resolutions of the council and assembly of Upper Canada. It will be his duty, therefore, to ascertain the general desire of the province, though the home government is strongly convinced of the wisdom of the central features of that policy. These are, the legislative union of the provinces under terms which will regard the just claims of each province, the maintenance of the three estates, the settlement of a permanent civil list to ensure the independence of the judges and the freedom of the executive officers, and the establishment of a system of local or municipal government. He must, therefore, endeavour to get these principles accepted. In the general administration of the province, however, they will greatly rely upon his judgment and recommendations as based upon a direct study of conditions. If he finds a fair and reasonable spirit in the present assembly of Upper Canada, he may appeal to that; if not, he may dissolve it, and appeal to a new assembly. If union is found quite impracticable, he must present to the home government some practical alternative. He is urged to secure a settlement as quickly as possible, for delay

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will foster bitterness. He will evidently be called upon to explain what control the popular branch of the united legislature will have over the executive government, and the tenure of office by its chief officials. It is obviously impossible to give a categorical answer to that question. It must simply be recognized as a working principle that harmony is to be maintained between the legislative and executive branches, and that, therefore, the council must be made up of people who are able to command the confidence of the majority of the inhabitants of the province. The extravagant military plans of fortifications for the defence of the colonies, advocated in the correspondence of Sir John Colborne, are not favoured by the ministry, and will not be carried out, at present at least. As to military matters, however, he will have the advice of Sir Richard Jackson, the commander of the forces, to succeed Sir John Colborne. Lord Durham's Report has shown the unwise policy hitherto pursued in the alienation of the Crown Lands, which might have been used to promote immigration. It is difficult, however, to confiscate these extensive land grants, or to impose a heavy tax on them. This will be an important question to be discussed by the united legislature. With reference to Lower Canada in particular, the increased powers of the Special Council will enable him to do more for that province than any of his predecessors, and this is the more urgent on account of the past

neglect of many highly necessary measures. Chief among these will be the introduction of municipal institutions, in order to provide for elementary local needs and the promotion of general education. In the accomplishment of his purposes he may exercise his power in Upper Canada to any requisite extent, even to superseding Sir George Arthur, though still availing himself of his experience. The remainder of the letter deals with details of financial matters and the fate of reserved bills, some of which will be discussed later.

Here then we have in outline the programme laid out for the new governor, who, in virtue of the confidence reposed in him by his late colleagues, and especially by his friend and immediate superior the colonial secretary, was to enjoy an unusual range of personal discretion, and this in turn would enable him to give a corresponding range to the executive government and the local legislature. Thus was made possible a tentative and experimental introduction of a real measure of responsible government, though among a people up to that time quite unacquainted with the practical working of such a system. A considerable educational process, under a competent instructor, was obviously necessary before the full weight of government could be laid upon any local organization.

Having given such an extensive range of potential power to the governor-general, it was necessary to instruct Sir George Arthur to accommodate him-

SIR GEORGE ARTHUR TO ASSIST

self, where necessary, to the exercise of these powers, and to lend his loyal assistance in carrying out the policy of the new governor-general. Accordingly, immediately after giving to Poulett Thomson the comprehensive survey of his duties, powers, and privileges, which has been outlined, the colonial secretary wrote to Sir George Arthur instructing him to put himself in personal communication with the governor-general as soon as possible after his arrival in Canada. He is informed that Poulett Thomson is thoroughly in touch with the views of the home government on the whole range of colonial policy, and is instructed as to the bills of the previous session which had been reserved. He is, therefore, to place his local knowledge and experience at his disposal, and to follow his directions.

CHAPTER X

FIRST IMPRESSIONS

IT was on September 13th, after these preliminary arrangements and understandings with the home government, that the new governor-general sailed in the frigate *Pique* from Portsmouth, and after a stormy voyage of thirty-three days reached Quebec on October 17th. In the meantime, as we have seen, he was being very vigorously canvassed in the colonies over which he was coming to preside. We have seen the estimate of his character and the presentation of his views made by well-informed authorities in England. An entry in his journal, while on shipboard, indicates the personal attitude in which he approached the task before him. It shows that he recognized that he was not coming to Canada to be a figurehead, but to be a central force in bringing about the reunion of the provinces, and in reconstructing the political and financial systems. "It is a *great field*, too, if I bring about the union, and stay for a year to meet the united assembly, and set them to work. On the other hand, in England there is little to be done by me. At the Exchequer all that can be hoped is to get through some *bad tax*. There is no chance of carrying the House with one for any great commercial reforms, *timber, corn, sugar, etc.*; party and

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private interests will prevent it. If Peel were in, he might do this, as he could muzzle or keep away his Tory allies, and we should support him.

“On private grounds I think it good too. 'Tis strange, however, that the office which was once my greatest ambition (the Exchequer) should now be so disagreeable to me that I will give up the cabinet and parliament to avoid it. After all, the House of Commons and Manchester are no longer what they were to me. I do not think that I have improved in speaking—rather gone back. Perhaps in Opposition, with time to prepare, I might rally again; but I do not feel sure of it. I am grown rather nervous about it. The interruption and noise which prevail so much in the House *cowes* me. I have certainly made no good speech for two years. It is clear, from what has passed, I might have kept Manchester as long as I liked. But till put to the test by leaving it, one could not help feeling nervous and irritated by constant complaints of not going far enough or going too far. The last years have made a great change in me. My health, I suppose, is at the bottom of it. On the whole I think it is well as it is.”

The above extract shows also that the stale and unprofitable condition into which the Whig party had fallen, from too long and too precarious a tenure of office, had proved to him that it was impossible, for the immediate future, to find in British politics an adequate expression for his

FIRST OFFICIAL DUTIES

personality or his aspirations. In Canada alone did there seem to be such a field, and into it, therefore, he threw himself without backward longing.

After remaining two days on board ship, awaiting the arrival of Sir John Colborne from Montreal, he landed, opened the Royal Commission and was sworn into office on October 19th. On the same day he issued a proclamation announcing his appointment as governor-general and his entrance upon the duties of the office. The spirit in which he intended to discharge his duties as governor-general is thus briefly expressed: "In the exercise of this high trust it will be my desire, no less than my duty, to promote to the utmost of my power the welfare of all classes of Her Majesty's subjects. To reconcile existing differences; to apply a remedy to proved grievances; to extend and protect the trade, and enlarge the resources of the colonies entrusted to my charge; above all, to promote whatever may bind them to the Mother Country by increasing the ties of interest and affection will be my first and most anxious endeavour. In pursuit of these objects I shall ever be ready to listen to the representation of all, while I shall unhesitatingly exercise the powers confided to me to repress disorder, to uphold the law, and to maintain tranquillity."

He recognized the unsatisfactory condition of affairs in Lower Canada, and hoped to be able to

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find a means of restoring the constitution. He acknowledged the essential loyalty of the people of Upper Canada, but recognized their financial embarrassment, which hampered trade and provincial development. These defects, however, he hoped to remedy, relying upon the patriotism of the people and the wisdom of the legislature. Finally, he called upon all who have the good of British North America at heart to lay aside all minor differences and co-operate with him in promoting the welfare of the provinces. Altogether it was a simple, candid, and businesslike statement, quite unlike many of the stilted and perfunctory proclamations to which the people of the colonies had been accustomed. The proclamation was awaited with the greatest interest, as the first utterance of a governor of a totally different type from any of his predecessors, and concerning whose personality, views, and motives the liveliest hopes and fears had been aroused. But especially was it felt by every intelligent citizen that the whole future not only of the Canadian provinces, but of British North America, was hanging in the balance, so much depending upon the wisdom and policy of the new governor-general.

On this same day His Excellency was presented with an address by the magistrates of the city and district of Quebec. This was of a very non-committal character, except for the very parochial appeal that the city of Quebec might not be

A FAVOURABLE IMPRESSION

deprived of the residence of the governor-general, there having been a tendency of late to favour Montreal. This the new governor adroitly met by declaring that it would afford him the sincerest satisfaction to contribute at all times to the prosperity of Quebec, and, when circumstances permitted, to reside within its walls, in order to cultivate the good feeling and regard of its inhabitants. This was only the first of many scores of instances in which all classes of the people were to be charmed with the ability of the governor to turn the most unpromising materials, personages, and conditions to account, in order to ingratiate himself with the Canadian public.

Altogether, the new governor's first day in Canada produced a most favourable impression, and began a revulsion of feeling in his favour which, within a very short time, had removed almost all doubt and distrust as to his personal qualities, and had laid a solid foundation for that great personal popularity which was to be so powerful an influence in mitigating political bitterness, breaking down factious opposition, and promoting those larger political objects to which the governor-general had devoted himself.

On the day of his arrival he despatched a letter to Sir George Arthur transmitting a copy of his commission and instructions, together with a warrant reappointing Sir George as lieutenant-governor of Upper Canada. This despatch met the lieutenant-

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governor at Kingston, on his way to Montreal to pay his respects to the new governor-general, as requested by Lord John Russell.

One of the first official acts of Poulett Thomson was the appointment of T. W. Clinton Murdoch, Esq., to be civil secretary of the general government, and of Major George D. Hall to be military secretary and chief aide-de-camp. Mr. Murdoch was a gentleman of exceptional ability, who rapidly acquired a very intimate knowledge of Canadian history and of the actual conditions of the country. His rare capacity for affairs, his sound judgment, indefatigable industry, and admirable tact enabled him to render invaluable assistance to Lord Sydenham during his term of office, and at the earnest solicitation of Sir Charles Bagot he continued as civil secretary during the greater part of his administration.

With characteristic energy, amounting almost to impetuosity, the new governor immediately plunged into the details of Canadian affairs, taking every method and opportunity of making himself intimately acquainted with Canadian conditions. On the twenty-first he held a levee at the Castle St. Louis, which was attended by the principal inhabitants of Quebec and district, without distinction of parties. At the close of this function came the Committee of Trade of Quebec to pay their respects to the new governor, hitherto only known to them as "the enemy of the Canadian timber trade," in

THE COMMITTEE OF TRADE

which trade most of them were interested. However, they made the best of it, and being merchants themselves they told him that they saw with pride the government of the country entrusted to one who had himself been a merchant. Notwithstanding that the opinions which he had been understood to entertain with reference to an important branch of the Canadian trade differed materially from their own, they believed that his efforts as governor of the colonies would be directed to the promotion not only of the political, but of the commercial interests, including the timber trade. They recognized the difficulty as well as the importance of the general task before him: to establish a just and steady form of government, to develop the latent resources of the provinces by improving the means of communication, to revive commerce, and to recall to Canada the stream of immigration now diverted elsewhere, and they promised him their co-operation towards the accomplishment of these objects. To this address also he made a felicitous reply, appealing to their pride and fellow-feeling as merchants, soliciting their all-important assistance, and promising the most hearty co-operation in all mutual interests.

The following day he left for Montreal, there to meet Sir George Arthur in conference on the affairs of Upper Canada. He reached Montreal on the twenty-third, and on the twenty-fifth Sir George Arthur arrived. On the twenty-sixth he

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received an address from the merchants of the city, to which he made one of his brief but effective replies. With his long training in the intricate details of the Board of Trade, he at once grappled with the tangled problems of Upper Canada. He held numerous conferences with Sir George Arthur, whose breath was rather taken away by the rapidity with which he covered the ground and followed up his conclusions with decisions as to policy.

He found that conditions were sufficiently tranquil in the Lower Province to permit of his leaving it for a few months. In the meantime, he could devote himself to the more immediate object of his mission, in taking up the union question with the Special Council, and on his return from the Upper Province, he would be able to discuss the detailed needs of Lower Canada at greater length.

It had evidently been his intention to dissolve the House of Assembly in Upper Canada, and lay the proposition for a union of the provinces before a House elected specifically on that issue. He found, however, that this would occasion considerable delay. Moreover, the lieutenant-governor was apprehensive lest a new election at that time should be attended with undue excitement, resulting possibly in riots in certain parts of the province. It appeared also that the existing assembly was not opposed to the measure of re-union, though inclined to attach onerous conditions thereto as regards the majority in the Lower Province. But

INCREASING POPULARITY

even should the assembly indicate a tendency to seriously run counter to the general wishes of the people, it was still within the power of the governor to dissolve the House and appeal to the electors. All things considered, therefore, he resolved to proceed to the Upper Province about the middle of November, and before the close of water communication. Accordingly, Sir George Arthur was instructed to return to Toronto and to summon the provincial parliament for December 3rd.

Already the vigorous yet prudent activity displayed by the new governor-general, his obvious desire to acquaint himself with all phases of public opinion, and to reach the most equitable and practicable conclusions, caused him to rise steadily in the general estimation. His movements and his utterances were followed with the keenest interest, and fully chronicled in the leading newspapers of Lower and Upper Canada. There was, of course, a special curiosity as to his attitude on the subject of responsible government. His repeated assertion of his intention to maintain and, if possible, strengthen the connection between Britain and the colonies, reassured the more conservative element, while his known sympathy with the chief recommendations of Lord Durham's Report and his avoidance of any hostile criticism of the advocates of responsible government, gave no occasion to the Reformers to apprehend that he had renounced his Liberal views.

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His interviews with Sir George Arthur had caused no little uneasiness in the mind of that outspoken opponent of responsible government. The lieutenant-governor now saw very clearly that the stand which he had lately taken against that heresy, and his known sympathy with the legislative council in its opposition to the union, were no longer to be supported by the chosen representative of the home government. Having promised to assist the governor-general in his various measures in Upper Canada, he began to have visions of himself publicly repudiating his previous utterances, abandoning his friends of the Compact, and, quite generally, performing the unpleasant task of supporting in the name of the home government what he had previously condemned in the name of the same authority. Reflecting upon these things on his way back to Toronto, and doubtless taking counsel with his friends there, he wrote a long letter of explanation to the governor-general, dated November 9th.

After informing the governor that, according to his desire, the provincial parliament had been convened to meet on December 3rd, he took advantage of the occasion to give His Excellency some information on Upper Canadian conditions, and especially as to his personal position before he took over the government of the province. He repeated the statement that he had been instructed at the time of his appointment to follow the policy of his predecessor,

SIR GEORGE ARTHUR EXPLAINS

Sir F. B. Head. These directions on the part of the home government he had taken pains to make public, believing that it justified him in "giving every possible encouragement and support to the constitutional party who desired British connection and monarchical institutions under the existing constitution of 1791, in opposition to the Reform party, whom my predecessor considered collectively disloyal and desirous of republican institutions." In following this policy he believed that the condition of the province had been distinctly improving up to the time of the appearance of Lord Durham's Report, and he had hoped among the better disposed Reformers to regain all the ground that had been lost. He saw no hope of reconciling the American party or those Reformers who had long associated with them in striving for the introduction of republican institutions, under which he evidently included responsible government. But he had hoped to win the moderate Reformers, though without any departure from the principles of the constitutional party, who were, above all things, not to be offended.

As to a union of the provinces, he believed that many who favoured it in 1822, when it failed to carry, had since become opposed to it. He also referred to the joint address of the legislative council and assembly to the late king deprecating the policy of the union, the reply to which had informed him "that the project of a union between

the two provinces has not been contemplated by His Majesty as fit to be recommended for the sanction of parliament." He also stated that Lord Durham himself had on several occasions expressed his decided objection to union. Hence, when consulted about it by members of both Houses, he had always opposed it. He claimed to have taken the precaution, however, to state that it would not be well to be too sure of the course to be taken in England, and that it would be desirable to accept whatever measures were finally determined upon there. He now finds that the home government has adopted a union policy, and that His Excellency has come out to endeavour to carry it into effect. But though he has personally opposed it, he believes from the sentiments he has heard expressed that, as an abstract proposition, it could be carried in Upper Canada, though perhaps not in the form presented in the bill sent out from Britain.

However, the question which has given rise to most discussion since the appearance of Lord Durham's Report is that of responsible government. The Report virtually recommends that the executive council be made responsible to the House of Assembly, and this is almost universally accepted as recommending that form of government contended for even to rebellion by Mackenzie and Papineau. This he maintains has rehabilitated that whole movement, and so-called "Durham meetings" have been held in various parts of the pro-

THE OLD DILEMMA

vince to advocate this policy. Many of these meetings have indeed been very perplexing, because, while warmly supported by the late rebels, they have also been favoured by persons of undoubted loyalty, some of whom have admitted that their object was to exclude eventually Her Majesty's secretary of state from any interference in the local concerns of the province. His own attitude towards the idea of responsible government has been to decidedly discountenance it, considering himself as justified in this attitude by the statements of Lord John Russell and the Marquis of Normanby in the British parliament. He flatters himself also that his course has caused this "dangerous innovation" to lose much of its popularity.

Referring in particular to his reply to the address presented to him as a result of the "Durham meeting" at Hamilton, he presents the usual alternatives as set up at that time by the opponents of responsible government. "A governor, if the Crown allowed him to name his council, would surely for his own peace and success, select persons disposed to work in harmony with the legislature. By the responsible government now sought men want to place the council, in effect, over the governor, and to set aside altogether the influence of the imperial government by rendering the executive government wholly dependent upon the provincial parliament." It might be stated parenthetically that it was just because hitherto no governor had ever

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attempted to follow the first alternative that the second was advocated by extreme Reformers. However, after presenting his abstract alternatives, Sir George Arthur proceeds half unconsciously to justify most of the agitation for responsible government. He admits that the cry for responsibility does not surprise him, for the chaotic condition into which both the executive and legislative councils of the government had fallen left no real responsibility anywhere. "Partly owing to the House of Assembly having taken into its own hands matters purely executive, and partly from other causes, there has been, in reality, in some transactions, no responsibility, and great intricacy exists, and a want of system, in the manner in which the public accounts have been kept, some of the departments have worked most inconveniently to the public, and there are, as it seems to me, no adequate checks over the receipts and disbursements of public money." He had proposed when tranquillity was restored to show by drastic measures of executive reform that an honest and efficient governor could eradicate the evils of the existing conditions and introduce a new "system of government under which all public officers may be made strictly responsible, in every practical and useful sense of the term." In other words, his conception of responsibility was responsibility to a benevolent despotism. But there was apt to be a very uncertain series of despots.

AN EMBARRASSING POSITION

After referring to the embarrassed condition of the provincial finances and the necessity for developing the resources of the country, and to that end completing the public works already undertaken, Arthur proceeds to sum up the difficulties of the situation in which he finds himself. He considers that it was his special function to provide for the safety of the province, and though that is not altogether insured, still he recognizes that it may be the policy of the British government to make considerable changes in the system of administration. On the principles of the union he had left a way of escape for himself, but on the principle of responsible government he infers from his brief interview with His Excellency that his views are not in accordance with those which he himself has been publicly expressing. This may indeed cause some embarrassment to the new governor, for "it is impossible not to perceive how difficult it must be for Your Excellency to avoid being entangled with past transactions." As regards himself under these new conditions, "Her Majesty's government has placed me in circumstances of very considerable embarrassment, from which I have endeavoured to relieve myself, so far as I can, by this unreserved and detailed explanation." He trusts, therefore, that the governor will not require him to take a course for the future too glaringly inconsistent with that of the past, as it would destroy his influence as an auxiliary in carrying out the new policy.

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It is plain from this that while it was acknowledged that the governor-general had come out to Canada prepared to introduce a new policy in the administration of the country, he was to find himself hampered, not only by the prejudices of the majority of the people in positions of power and influence, but by the previous policy and definitely expressed convictions of former governors, even Lord Durham himself being quoted against the recommendations of the Report which bore his name.

CHAPTER XI

RESPONSIBLE GOVERNMENT

LORD John Russell on receiving a despatch from Lieutenant-Governor Arthur, after the departure of Poulett Thomson from Britain, detailing the rising excitement over the subject of responsible government, and recounting his own public utterances in opposition to it, evidently felt that some further directions on the subject should be sent to the governor-general. At the same time he considered it necessary to provide some more practical means than that which existed for enabling the governor to keep his executive in harmony with the legitimate aspirations of the legislature.

As a letter of counsel to the new governor and an expression of the latest views of the colonial office, we have the following important despatch addressed to Poulett Thomson.

“DOWNING STREET, *October 14, 1839.*

“SIR,—It appears from Sir George Arthur’s despatches that you may encounter much difficulty in subduing the excitement which prevails on the question of what is called ‘Responsible Government.’ I have to instruct you, however, to refuse any explanation which may be construed to imply an acquiescence in the petitions and addresses

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upon this subject. I cannot better commence this despatch than by a reference to the resolutions of both Houses of Parliament, of the 28th April and 9th May, in the year 1837.

“The assembly of Lower Canada having repeatedly pressed this point, Her Majesty’s confidential advisers at that period thought it necessary not only to explain their views in the communications of the secretary of state, but expressly called for the opinion of parliament on the subject. The Crown and the two Houses of Lords and Commons having thus decisively pronounced a judgment upon the question, you will consider yourself precluded from entertaining any proposition on the subject.

“It does not appear, indeed, that any very definite meaning is generally agreed upon by those who call themselves the advocates of this principle; but its very vagueness is a source of delusion, and, if at all encouraged, would prove the cause of embarrassment and danger.

“The constitution of England, after long struggles and alternate success, has settled into a form of government in which the prerogative of the Crown is undisputed, but is never exercised without advice. Hence the exercise only is questioned, and however the use of the authority may be condemned, the authority itself remains untouched.

“This is the practical solution of a great problem, the result of a contest which from 1640 to

IMPERIAL AND COLONIAL AUTHORITY

1690 shook the monarchy and disturbed the peace of the country.

“ But if we seek to apply such a practice to a colony, we shall at once find ourselves at fault. The power for which a minister is responsible in England is not his own power, but the power of the Crown, of which he is for the time the organ. It is obvious that the executive councillor of a colony is in a situation totally different. The governor, under whom he serves, receives his orders from the Crown of England; but can the colonial council be the advisers of the Crown of England? Evidently not, for the Crown has other advisers, for the same functions, and with superior authority.

“ It may happen, therefore, that the governor receives at one and the same time instructions from the queen and advice from his executive council, totally at variance with each other. If he is to obey his instructions from England, the parallel of constitutional responsibility entirely fails; if, on the other hand, he is to follow the advice of his council, he is no longer a subordinate officer, but an independent sovereign.

“ There are some cases in which the force of these objections is so manifest, that those who at first made no distinction between the constitution of the United Kingdom and that of the colonies, admit their strength: I allude to the questions of foreign war and international relations, whether of

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trade or diplomacy. It is now said that internal government is alone intended.

“But there are some cases of internal government in which the honour of the Crown or the faith of the parliament, or the safety of the State, are so seriously involved, that it would not be possible for Her Majesty to delegate her authority to a ministry in a colony.

“I will put for illustration some of the cases which have occurred in that very province where the petition for a responsible executive first arose—I mean Lower Canada.

“During the time when a large majority of the assembly of Lower Canada followed M. Papineau as their leader, it was obviously the aim of that gentleman to discourage all who did their duty to the Crown within the province, and to deter all who should resort to Canada with British habits and feelings from without. I need not say that it would have been impossible for any minister to support, in the parliament of the United Kingdom, the measures which a ministry, headed by M. Papineau, would have imposed upon the governor of Lower Canada;—British officers punished for doing their duty, British emigrants defrauded of their property, British merchants discouraged in their lawful pursuits,—would have loudly appealed to parliament against the Canadian ministry and would have demanded protection. . . .

A PRACTICAL SOLUTION

“ While I thus see insuperable objections to the adoption of the principle as it has been stated, I see little or none to the practical views of colonial government recommended by Lord Durham, as I understand them. The queen’s government have no desire to thwart the representative assemblies of British North America in their measures of reform and improvement. They have no wish to make those provinces the resource for patronage at home. They are earnestly intent on giving to the talent and character of leading persons in the colonies advantages similar to those which talent and character, employed in the public service, obtain in the United Kingdom. Her Majesty has no desire to maintain any system of policy among her North American subjects which opinion condemns. In receiving the queen’s commands, therefore, to protest against any declaration at variance with the honour of the Crown and the unity of the empire, I am at the same time instructed to announce Her Majesty’s gracious intention to look to the affectionate attachment of her people in North America as the best security for permanent dominion.

“ It is necessary, for this purpose, that no official misconduct should be screened by Her Majesty’s representative in the provinces; and that no private interests should be allowed to compete with the general good. Your Excellency is fully in possession of the principles which have guided Her Majesty’s advisers on this subject; and you must

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be aware that there is no surer way of earning the approbation of the queen than by maintaining the harmony of the executive with the legislative authorities.

“ While I have thus cautioned you against any declaration from which dangerous consequences might hereafter flow, and instructed you as to the general line of your conduct, it may be said that I have not drawn any specific line beyond which the power of the governor on the one hand, and the privileges of the assembly on the other, ought not to extend. But this must be the case in any mixed government. Every political constitution in which different bodies share the supreme power is only able to exist by the forbearance of those among whom this power is distributed. In this respect the example of England may well be imitated. The sovereign using the prerogative of the Crown to the utmost extent, and the House of Commons exerting its power of the purse to carry all its resolutions into immediate effect, would produce confusion in the country in a twelvemonth. So in a colony; the governor thwarting every legitimate proposition of the assembly, and the assembly continually recurring to its power of refusing supplies, can but disturb all political relations, embarrass trade and retard the prosperity of the people. Each must exercise a wise moderation. The governor must only oppose the wishes of the assembly where the honour of the Crown or the

THE PRINCIPLES INVOLVED

interests of the empire are deeply concerned; and the assembly must be ready to modify some of its measures for the sake of harmony, and from a reverent attachment to the authority of Great Britain."

With the exception of a slight logical inconsistency which will be referred to later, we have in this despatch an almost complete expression of the theory of responsible government within the British empire as it is exercised to-day. The relationship has been stated a thousand times since this was written, but we have here a statement of all the essential principles which govern the whole subject. For the sake of clearness and further reference, the principles involved may be distinguished and stated thus:—

(a) The prerogative of the British Crown is as absolute to-day as it ever was, being simply the expression of British sovereignty.

(b) The prerogative of the British Crown is not exercised by the monarch alone, but under advice controlled by the two Houses of Parliament.

(c) The degree or proportion in which the prerogative of the Crown is exercised by the three estates—the King, the Lords, and the Commons—is not, and cannot be, prescribed. This is a matter which has been adjusted from time to time by trial, experiment, and usage, in such a way that in certain matters the will of the monarch is practically final, in others the will of the Lords, and in others the will of the Commons, but in all cases with the

tacit consent of the others. In the course of time, however, the larger and more distinctly national issues have gradually come chiefly under the will of the Commons, as expressed through the ministry of the day, accepted by the Lords, and assented to by the king.

(d) There is no power over and above the British ministry as exercising the royal prerogative.

(e) In the colonies there is such a power, the power, namely, of the royal prerogative as exercised by the British ministry.

(f) When a colonial governor receives advice from the home government which conflicts with that received from his advisers in the colony, he must obey the advice from the home government, otherwise his colony is a sovereign or independent power.

(g) It is not possible to make a distinction between colonial sovereignty and British sovereignty, depending upon the subjects dealt with; such as, in the first case, matters of internal economy, and, in the second, matters of inter-imperial or foreign relations. This is simply a question of degree, the principle being the same in both cases.

(h) As to what does or does not lie within the power of a colonial government, as distinguished from the British government, no hard and fast distinction can be made. Everything is a matter of wisdom and adjustment. The British government should have no desire to embarrass the legitimate

THE ONE DEFECT

development of the colony, and the colony should not insist upon demanding that which violates the honour of the Crown and the unity of the empire.

(i) The adjustment of powers between the governor, the council, and the assembly in the colony can no more be defined and prescribed than the adjustment of powers between the monarch, the Lords, and the Commons in England. Everything must be adjusted under a wise moderation and respect for the necessities of the constitution and the needs of the country.

In carefully considering these propositions, we observe that the one defect in the system appears in the want of harmony between the principle laid down in (e) and (f), and the principle declared in (h). Yet (h) is evidently the more logical and perfect statement. Propositions (e) and (f) contain the very defects which all the other principles in the series are intended to eliminate, alike for Britain and Canada. In (h) it is correctly stated that there can be no precise definition as to where the authority of the British government and that of the colonial government limit each other. That must be determined by trial, experience and usage. An unreasonable and unbending claim to exclusive jurisdiction by either party is as liable to produce a rupture of the empire as a similar attitude on the part of one of the estates in the government of Britain itself, or of a self-governing colony. The giving way, therefore, in the case of a disagreement

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is not to be entirely and of necessity on the side of the colonial government as claimed in (*e*) and (*f*), but is in every case a matter for reasonable discussion and adjustment, and must be decided in the light of what is best for all parties, as recognized in (*h*), which is simply an expression of Lord John Russell's statement that "Her Majesty has no desire to maintain any system of policy among her North American subjects which opinion condemns." Hence, when the governor is required to protest against a disregard of the honour of the Crown or of the unity of the empire, he is "at the same time instructed to announce Her Majesty's gracious intention to look to the affectionate attachment of her people in North America as the best security for permanent dominion." It will be seen then that this despatch really covers the whole ground, carrying with it as it does the logical correction of its own defects.

There was, of course, nothing in this despatch to hamper Governor Poulett Thomson from admitting, as applicable to the colonies, the most complete theory of responsible government. But, in actually bringing that theory into practice, many and serious difficulties still stood in the way. In the first place neither the conservative element nor the professed advocates of responsible government understood what was involved in bringing such a principle into actual practice. The Conservatives were doubtless the more completely in the dark, entirely miscon-

REFORMERS ALSO MISTAKEN

ceiving and misrepresenting it; but the Reformers, professed advocates of the principle, both claimed and allowed far too much. They were willing to admit that the British government had an unquestionable authority in Great Britain itself and the empire at large, without any interference from the colonies. For the time being, also, they were willing to admit that Canadian external relations, including trade relations with foreign countries, all relations between the colonies themselves, and between the colonies and the Mother Country, belonged to the sphere controlled by Britain alone. But they claimed an equally absolute authority over all domestic affairs of the provinces, without considering, however, whether domestic and foreign affairs did not involve a separation of bone and marrow. Their general principle left no common ground on which mutual powers were to be exercised, and logically involved an ultimate separation between the Mother Country and the colonies, after a series of conflicts over those very colonial relationships which for the time were admitted to be entirely within the jurisdiction of the Mother Country. But experience has proved that the claim for responsible government which was put forth at this time, from the most opposite motives, by the French-Canadians on the one hand, and the advanced Reformers in Upper Canada on the other, has not only never yet been realized, but is now all but abandoned. It is now but the phantom enemy of ultra-imperialists who

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seem to believe that responsible government still means what it did to Lafontaine and Baldwin at this period, but which they themselves put aside on attaining to power. These mistaken ideas as to what responsible government involved, Poulett Thomson had to deal with, and endeavoured to dispel, introducing in their place that constitutional practice of responsible government by trial and experiment through mutual concession, the results of which were to be crystallized into the practice and custom of a constitution moulded upon British lines.

In attempting to introduce into Canada the practice of the British constitution, what the new governor was met with was the fact that the Canadian system as then administered on Family Compact lines, was an American and not a British system. In the American system the legislative and the executive departments are distinct from each other. The president and his cabinet are not members of either house of Congress, and have no direct control over the voting of supplies or the passing of Acts, except through the tendering of advice by a message from without, and the power of veto after measures have been passed through Congress. So in Canada at this time the governor and his executive council were not members of the representative portion of the legislature, and had no direct control over the voting of supplies or the passing of Acts, except the power of veto exercised by the governor in

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reserving bills, and by a nominated council in rejecting them. Again, in the American system the president selects the various secretaries, who, as chiefs of the executive departments, compose his cabinet, but they are otherwise quite independent of each other, and do not require to agree in their views on all the leading issues of public policy. Similarly, the chief executive officers in Canada were, nominally at least, selected by the governor, but were otherwise independent of each other, and did not require to agree in their views on general public policy. Nominally the Canadian executive chiefs held their offices as the American secretaries, at the pleasure of the governor representing the Crown. But, as part of the system by which in Canada the servants came to control the master, they had managed to establish virtually a life tenure in their offices. It was on this vital point of tenure of office that the chief practical difference between the Canadian and the American systems lay. In the United States the president was elected by the people, in Canada the governor was appointed from Britain. In the United States the senate was indirectly elected by the people, in Canada the legislative council was nominally appointed by the Crown, but really nominated by a group chiefly composed of the executive and legislative councils themselves. A similar distinction held with reference to the president's cabinet and the governor's executive council. Thus, in the

United States, though there was not responsible government in the English sense, yet ultimately all the officers of the government were indirectly amenable to the popular suffrage. In Canada, where there was no responsible government of the British type, neither was the government even indirectly amenable to popular suffrage.

CHAPTER XII

RADICAL CHANGES REQUIRED

IT is quite obvious that many and radical changes were required in the Canadian system of government before it could attain even to the American, much less to the British, form of responsible government. To convert the Canadian system from the decidedly non-British condition in which it had been placed and maintained, chiefly by the power of the Family Compact party, was the essential and all-important work required of the new governor in connection with the introduction of responsible government. This had been recognized in Lord Durham's Report as the most difficult task in the introduction of responsible government, though the Report itself apparently erred in representing it when introduced as indistinguishable from complete and independent sovereignty.

What then were the most important changes which must be made in the Canadian system of government in order to render it possible to operate that system of responsible government advocated in the Durham Report, which Lord John Russell accepted and encouraged Governor Poulett Thomson to introduce? In the first place, the members of the executive council must be made to hold their positions at the pleasure of the Crown. Should

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the Crown in future, as Lord John Russell's despatch indicated, pay special respect to the wishes of the representatives of the Canadian people, then the members of the executive council must be brought into harmony with the legislature. The legislative council, even as an appointed body, must no longer represent a close corporation of court favourites. In the spirit of mutual confidence established between the Crown and the people, the council must be filled with those who will command the respect of the province. Again, in order that the chief executive officers might represent a connected and self-consistent policy, which would be able to command the intelligent support of a majority in the assembly, the executive officers must be in sufficient agreement on all the essential points of provincial policy that there might be no public friction among them. To this end it was necessary that they should be organized under an acknowledged leader. In other words, there must be formed a responsible cabinet composed of the chief executive officers, with seats in one or other branch of the legislature, and able to command the support of the majority of the assembly. To secure such a harmony of interests as would bring into a working agreement the legislative, executive, and imperial interests was just the object to be secured by that informal adjustment of powers which Lord John Russell's despatch represented as the true and only expression of responsible government

A GREAT ACHIEVEMENT

within self-governing portions of the British empire.

To introduce these great changes, amounting to a virtual revolution as regards the previous system of Canadian politics, and to lay the foundations for a system of precedent and custom which would in time render Canadian cabinet government as stable and its evolution as safe as that of the British constitution itself, was the unique service to be rendered by Lord Sydenham. Once definitely introduced, the system had to be gradually developed in its practice and traditions, and the division of responsibility on this or that subject had to be readjusted from time to time. Similarly, the weight of responsibility as between the home government and the colonies had to be gradually shifted and adapted as the development and self-reliance of the colonies increased, and in proportion as they showed their appreciation of their liberty and their ability to work harmoniously with the home government on those lines of mutual respect and confidence referred to by Lord John Russell.

The first great step in this transformation of colonial practice was of necessity the breaking up of the proprietary position of the chief executive officers, which was the essence of what was known as the Family Compact. The Compact was not in reality a political party, for the members of it did not, as a matter of fact, always agree among themselves on questions of public policy. Neither

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was it, as its members constantly pointed out in their stock argument in rebuttal, a body of persons specially connected by blood relationship. It was simply a group of persons, more or less bound together by strong ties of personal interest, establishing and maintaining their hold upon the executive offices, and consequently upon the governors, and all public grants, emoluments, and appointments depending upon the executive power. The dissolving of the proprietary control of the executive offices was accomplished very adroitly by another despatch from Lord John Russell, laying down the future conditions as to the tenure of these offices. This important despatch, also addressed to Governor Poulett Thomson, is as follows:—

“DOWNING STREET, October 16, 1839.

“SIR,—I am desirous of directing your attention to the tenure on which public offices in the gift of the Crown appear to be held throughout the British colonies. I find that the governor himself, and every person serving under him, are appointed during the royal pleasure, but with this important difference: the governor's commission is, in fact, revoked whenever the interests of the public service are supposed to require such a change in the administration of local affairs; but the commissions of all other public officers are very rarely indeed recalled, except for positive misconduct. I cannot learn that during the present or the two last reigns, a single instance has

TENURE OF OFFICE

occurred of a change in the subordinate colonial officers, except in cases of death or resignation, incapacity or misconduct. This system of converting a tenure at pleasure into a tenure for life, originated probably in the practice which formerly prevailed of selecting all the higher class of colonial functionaries from persons who, at the time of their appointment, were resident in this country; and amongst other motives which afforded such persons a virtual security for the continued possession of their places, it was not the least considerable that, except on those terms, they were unwilling to incur the risk and expense of transferring their residence to remote, and often to unhealthy, climates. But the habit which has obtained of late years of preferring, as far as possible, for places of trust in the colonies, persons resident there, has taken away the strongest motive which could thus be alleged in favour of a practice to which there are many objections of the greatest weight. It is time, therefore, that a different course should be followed, and the object of my present communication is to announce to you the rules which will be hereafter observed on this subject in the province of Lower Canada.

“ You will understand and will cause it to be made generally known, that hereafter the tenure of colonial offices held during Her Majesty’s pleasure will not be regarded as equivalent to a tenure during good behaviour; but that not only such officers will be called upon to retire from the public service as

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often as any sufficient motives of public policy may suggest the expediency of that measure, but that a change in the person of the governor will be considered as a sufficient reason for any alterations which his successor may deem it expedient to make in the list of public functionaries, subject, of course, to the future confirmation of the sovereign.

“ These remarks do not extend to judicial offices, nor are they meant to apply to places which are altogether ministerial, and which do not devolve upon the holders of them duties in the right discharge of which the character and policy of the government are directly involved. They are intended to apply rather to the heads of departments than to persons serving as clerks or in similar capacities under them. Neither do they extend to officers in the service of lords commissioners of the treasury. The functionaries who will be chiefly, though not exclusively, affected by them, are the colonial secretary, the treasurer or receiver-general, the surveyor-general, the attorney- and solicitor-general, the sheriff or provost-marshall, and other officers who, under different designations from these, are intrusted with the same or similar duties. To this list must also be added the members of the council, especially in those colonies in which the legislative and executive councils are distinct bodies.

“ The application of these rules to officers to be hereafter appointed will be attended with no prac-

JOY AND SORROW

tical difficulty. It may not be equally easy to enforce them in the case of existing officers, and especially of those who may have left this country for the express purpose of accepting the offices they at present fill. Every reasonable indulgence must be shown for the expectations which such persons have been encouraged to form. But even in these instances it will be necessary that the right of enforcing these regulations should be distinctly maintained in practice, as well as in theory, as often as the public good may clearly demand the enforcement of them. It may not be unadvisable to compensate any such officers for their disappointment even by pecuniary grants, when it may appear unjust to dispense with their services without such an indemnity."

This despatch was hailed with delight by the responsible government party, because it was recognized as evidently designed to open the way for a change of ministry whenever the members of the executive council had lost the confidence of the legislature. On the other hand it was received with something like consternation by the office-holders, and with very great doubt by their backers and the Conservative element generally. They, too, recognized that it meant the virtual introduction of responsible government, though without specifically naming it. "People are no longer to hold offices subject to good behaviour," said the *Kingston Chronicle*, "giving us plainly to understand that good behaviour is an indifferent sort of re-

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commendation to a Whig colonial ministry." The Quebec *Gazette*, unshakenly devoted to the old paths, criticized the measure very harshly, fearing that while it implied on the face of it responsibility to the executive and the Crown, it was very likely to degenerate into responsibility to the majority, as it would be difficult for the governor to resist the majority, and practically impossible for the executive officers to do so. In Canada the heads of departments lived by their offices, and had not, as in Britain, the independent means which would enable them to place principle before profit and refuse to change their views in response to the clamours of the multitude. The Toronto *Patriot*, however, already wavering in its opposition to the new governor, saw no great danger in that form of responsible government, the responsibility being to the Crown.

While the policy of this despatch undoubtedly rendered responsible government possible, yet, as we have seen, much remained to be done before it could be rendered actual. There was as yet no constitutional machinery for effecting an orderly change of ministry. There was no regular party system with recognized leadership, and consequently no plain indication to the governor, through formal divisions of the House, as to what particular policy on any given issue the public would support. Neither was there any organization to suggest with any certainty who were the individuals command-

MUCH YET TO BE DONE

ing the confidence of a majority in the assembly on any special issue, and still less indication as to whether the parties who might receive the support of the majority on this or that issue could agree among themselves as to a general policy or a mutually acceptable programme on the leading issues. With all this lack of organization there could be no position corresponding to that of the prime minister of to-day. There were indeed various tentative efforts towards the formation of political groups, but they were generally organized for the purpose of promoting this or that special object. The Reformers were never definitely united on any issue before that of responsible government, and as they were united on nothing else, they could not have worked responsible government. There was a general though vague distinction between Reformers and Conservatives, which under definite organization would naturally crystallize into two great parties, but there was as yet little harmony between the different sections of either wing. As we have seen, in taking the attitude of the different sections of the people on the two great questions then before them—union and responsible government—the arrangement of groups on one of these questions was quite different from their arrangement on the other. In Upper Canada also, that other great question, the Clergy Reserves, divided the people differently from either of the others. Numerous other instances of cross-divisions could

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be given, if we followed up the attitude of leading politicians on other important matters discussed within the preceding years, and on which it was essential that a ministry should have a connected policy. The existing situation was such, then, that any popular ministry formed directly in response to the cry for responsible government would be apt to have a sweeping majority on one question and find itself in a hopeless minority on many others. But, as we know, a responsible government of the British type cannot be carried on upon these terms. There must be party organization with accepted leadership and a coherent programme.

Obviously the very machinery for working responsible government had to be created. In order to create it, introduce it, and get it into a fairly good working condition, it was necessary that the governor-general should virtually take the initiative, and for the time exercise very extraordinary powers, playing the combined rôle of prime minister, lieutenant-governor, and governor-general; and in the meantime be given a remarkably free hand by the home government. Thus it fell out that the governor-general who was to introduce responsible government and prepare the way for a gradual retirement from actual politics of all future governors-general from Lord Elgin on, was himself to exercise a personal power in ministerial control unknown to any of his predecessors or successors. In breaking up the Compact party and their hold upon the

CONDITIONS OF TRANSITION

administration, the governor had to temporarily take over all their powers into his own hands in order to bestow them afresh either upon the same men under new conditions of office, or upon a new set of ministers taking up their duties on a mutually responsible basis.

To make such a transition possible in Canada, under the conditions of the time, two things were necessary, first, that the governor must thoroughly understand the practical workings of the cabinet system based upon party government. This qualification Lord Sydenham certainly had, and was the first of Canadian governors to possess. On the other hand, it would never have done to transfer the executive power directly from the Compact party to a number of their opponents, amenable only to an amorphous assembly, quite untrained in the most vital features of British parliamentary procedure. Such a policy, though advocated, as we shall see, by conscientious Reformers such as Baldwin, would have been utterly impracticable. It would have inevitably produced riot in Upper Canada, and was simply inconceivable in Lower Canada. But, however distasteful to the ultra-Conservatives, it was strictly within the powers of the governor-general, according to the soundest doctrine of the Compact party, to take the direction of the executive government into his own hands, even while permitting the existing holders of office to remain, subject however to his plea-

sure. This the new instructions on the tenure of office permitted the governor to do. Thereafter, in making any changes in office, he could place in the executive positions such persons as he recognized might command the respect and confidence of a majority of the assembly. But, as this would be for some time an experimental process, by keeping sufficient reserve power in his own hands he could, on the one hand, correct any mistakes in the filling of the offices, and, on the other, prevent his ministry from being thrown out before the new system had had time to crystallize into a working organization. As the ministry acquired facility in working in harmony with each other, until they could hold together of their own accord and trust themselves to the tender mercies of a parliamentary majority, itself requiring considerable coaching, it would be possible for the governor to relax his power and admit ultimately the complete responsibility of his ministry. How much patience, wisdom, and tact, rapid and accurate judgment of men and measures, how much of the wisdom of the serpent masked under the harmlessness of the dove this process required, only those who are familiar with the chaotic condition of Canadian public life, the bitter recriminations, deep jealousies, and far-reaching antagonisms of that period, can understand.

To attempt to effect such an administrative revolution in an atmosphere surcharged with the most opposite views on the question of responsible

DIFFICULT NAVIGATION

government was especially difficult, for it was quite obvious that during the whole process of transition the question would be repeated in scores of forms, and with the most opposite motives: Must the ministry resign on an adverse vote? It was plain that at the beginning of the process the ministry could not necessarily be sacrificed on every adverse vote, even on important issues, while at the close of the process the ministry must of necessity resign on a definite adverse vote. At the beginning of the process the ministry were the chosen instruments of the governor-general, and depended upon him for their cohesion, their unity of policy and tenure of office; but at the end of the process they were the instruments of the legislature, and dependent upon the majority of the assembly for their political support and tenure of office. During the interval all the difficult stages of transition must be traversed. This transition process was naturally distasteful to impatient and rigid theorists of both extremes, bringing upon the governor the opposition of ultra-Tories and ultra-Radicals.

In addition to proving practically the only feasible method of introducing the British system of responsible cabinet government into Canada, Lord Sydenham's policy achieved the introduction of this system on the terms laid down in Lord John Russell's despatch. At the close of the first session of the united parliament, after a great deal of successful fencing, the principle was at length openly

recognized that the ministry must resign on an adverse vote; yet it was recognized on such terms that the rights of the three estates, the assembly, the council, and the Crown, were preserved. All definition of their respective spheres of influence was avoided; the responsibility of the ministers and the colonial relationship were left simply as working principles, and they have remained such from that day to this, amid all the readjustments of the balance of power between the three estates and within the empire. The messages of Lord John Russell on responsible government and the tenure of office marked the beginning of this process; the working out of it is to be traced in the practical details of Lord Sydenham's administration and that of his successors within the following decade.

CHAPTER XIII

THE UNION PROBLEM

AFTER the departure of Sir George Arthur, Lord Sydenham remained diligently consulting with the most representative citizens of Lower Canada, and especially with the chief-justice, James Stuart. Chief-Justice Stuart was a man of exceptional ability, learning, and professional experience, and was probably more than any other person in the country respected and trusted by both French and English elements. Recognizing at once the value of such a man as an adviser, especially on the subject of the union, the governor frequently consulted with him, and attached the greatest weight to his counsel. Investigation had convinced him that the more stable elements in Lower Canada, French as well as English, were now desirous of a speedy termination of the unsatisfactory condition of the existing Canadian government. The alienated French-Canadians naturally made use of the suspension of constitutional government as a basis for continued agitation. Public opinion throughout the province was very much divided; some demanded a return to the former constitution, others would deprive the French-Canadians of all share in the government, breaking up the province into sections, giving

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political rights to some and denying them to others. Even some of the extremists, however, believed that union was the only practicable measure. On all grounds the speedy adoption of the union measure seemed essential to the peace and prosperity of the country; as regards details, there were some who desired that the imperial government should take the whole matter into its own hands without consulting local opinion or local interests, but the majority of the best opinion of both races favoured union upon principles of fairness alike to the two provinces and to the two races.

The governor-general called the Special Council together on November 11th, 1839, and submitted to them the proposals for reunion. In order that it might not be supposed that he had used his personal influence to select members of council specially favourable to the union, he did not exercise the right of making changes in the council, but simply accepted the body as appointed by Sir John Colborne. In July, 1839, Colborne had appointed ten additional members to the Special Council. These he carefully selected from the most influential persons of each district, in order to render it as representative and respectable a body as possible for the passing of urgently necessary laws.

To this body then the governor-general submitted the union proposal. Their opinion in favour of the measure was almost unanimous, and was

VERDICT OF THE SPECIAL COUNCIL

conveyed to the governor in the form of an address and six resolutions. The latter embodied the requirements that the union should include provision for a permanent civil list, that that portion of the debt of the Upper Province incurred in improving the navigation of the St. Lawrence, the common highway between the two provinces, should be a charge upon the joint revenue, and that the new legislature should be one "in which the people of these two provinces may be adequately represented, and their constitutional rights exercised and maintained." The resolutions were opposed by only three members out of fourteen, the three being Messrs. Cuthbert, Neilson, and Quesnel. Mr. Neilson, who was the editor and proprietor of the Quebec *Gazette*, maintained, as we shall see, an opposition to the union measure which deepened with every defeat which he sustained, and which culminated in his attacks on the union in the first legislature of the united province.

The press of Upper Canada naturally followed the proceedings of the Special Council with much interest, knowing that its verdict would be used to influence the vote in the Upper Canadian legislature. The Conservative press regarded the resolutions adopted as much too favourable to the French-Canadians. As the Kingston *Chronicle*, one of the most representative of these papers, put it, there was to be no distinction between French rebels and loyal subjects, and disaffected districts

were to be treated on the same terms as others. Rebels, Durhamites, Radicals, and Loyalists are to find equal favour in the eyes of the governor-general. This may appear very generous on the part of the governor but it may prove quite fatal to British interests. It closed with the hope that the legislature of the Upper Province may raise its voice against such dangerous proceedings. The Sherbrooke *Gazette*, as representative of the English element in the townships, did not share in the optimistic opinions of the Montreal *Gazette* or *Herald*, who thought that the union would be the means of putting an end to the separate national aspirations of the French-Canadians, and would result in the fusion of the two races. It feared that there might be a sufficient number in Upper Canada in favour of responsible government to unite with the great majority of Lower Canada, and thus control the united legislature and lead round to the same conditions as in 1837. Neilson's paper, the Quebec *Gazette*, taking the same stand as its proprietor in the council, opposed the union from the opposite point of view, because, as he claimed, it was likely to overthrow the power of the French-Canadians in the united assembly.

Having secured a favourable verdict from the only legislative body in Lower Canada, the governor set out for the Upper Province, leaving Sir R. D. Jackson, commander of the forces, as administrator in Lower Canada during his absence. The

AN ENERGETIC GOVERNOR

chief-justice he desired to follow him in order to assist in the revision of the union measure, should it be accepted by the legislature of Upper Canada.

The industry and impetuosity with which Poulett Thomson followed up every matter in which he was deeply interested proved a novel and almost alarming experience for the Canadian officials, who were quite unaccustomed to a governor-general who so completely exercised his powers to regulate details, and who threw himself so enthusiastically into his work. His anxiety to reach Toronto at the earliest moment so as to have as much time as possible to get into touch with men and conditions there before the opening of the assembly, determined him to leave Montreal at an unusually early hour on the morning of November 18th. Driving over to Lachine, he expected to find a special steamer provided by the commissariat department to take him up the lake. We can imagine his chagrin at finding only the regular passenger steamer there, the captain of which declined to undertake any special trip before the regular hour for receiving mails and passengers. In consequence, Commissary-General Routh at Quebec received a very sharp letter from Mr. Murdoch, the civil secretary, demanding an explanation of the lack of a special conveyance and requesting that in future, when the governor-general had occasion to travel, a special officer of the commissariat department should be in attendance to provide the means of transport.

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The first part of his trip the governor thus describes: "The journey was bad enough; a portage to La Chine; then the steamboat to the Cascades, twenty-four miles further; then road again (if road it can be called) for sixteen miles; then steam to Prescott, forty miles; then road, twelve miles; then, by change of steamers, into Lake Ontario to Kingston. Such as I have described it is the boasted *navigation* of the St. Lawrence!" Reaching Kingston on the twentieth at 1 P.M., he was received with all military honours, as befitting at once the governor-general and the chief centre of the troops in Upper Canada. He was also presented with two addresses, the product of several public meetings during the previous week, one from the magistrates, clergy, and inhabitants of the town; and the other from the merchant forwarders and traders, as having a special bond of sympathy with the governor. His Excellency made, as usual, brief but appropriate and felicitous replies, and within three hours was afloat again on the government steamer *Traveller*, on his way to Toronto, where he arrived the following forenoon, November 21st. The next day at noon he was received in state in the executive council chamber by the members of the council and the heads of the Church, the bench, the educational institutions, and the government departments. There he took the oaths of office, and in turn administered them to the members of the executive council. Finally, he received

RECEPTION IN TORONTO

from Sir George Arthur the public seal of the province, as taking over the provincial government. Then came an address from the mayor and corporation.

The *Patriot* thus gives its first impressions of the new governor as he appeared at these functions. "His Excellency, the governor-general, is a younger looking person than we expected to see: he is apparently about thirty-five years of age, and his appearance strikingly intelligent and agreeable. His Excellency wore a civil uniform of blue, superbly embroidered with massive gold lace. He received with marked urbanity the gentlemen introduced to him. We are sorry to notice that His Excellency appeared to labour under severe indisposition."

In the address from the mayor and council, the governor is given to understand that the policy of the imperial government had raised doubts and uncertainty in the minds of loyal and well-affected inhabitants, and as he is understood to be looking for expressions of public opinion on the question of the legislative union of the provinces, they would respectfully express their conviction that any legislative union not based upon the ascendancy of the loyal part of the inhabitants, or which would give to the French-Canadians, diplomatically referred to as "that portion of the population who, from education, habits and prejudices, are aliens to our nation and our institutions," the same rights and privileges with the loyal British population who have risked

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their lives and properties for their sovereign and constitution, would be fatal to the connection of the Canadian provinces with the Mother Country. If, therefore, His Excellency chooses "to preserve inviolate and unchanged" the constitution under which they live, he may confidently rely upon "the highest municipal body in the province" for support. His Excellency in reply quietly assured them that he was charmed with their sentiments of loyalty, but gently indicated that Her Majesty's government was really loyal also, and that while the connection between the colonies and the Mother Country was undoubtedly to be maintained, "to be of permanent advantage, it must be founded upon principles of equal justice to all Her Majesty's subjects."

Not content with these numerous and trying ceremonies as a day's work, His Excellency the same day set on foot a number of special inquiries in order that he might be furnished with information as to the condition of the province. Its financial embarrassment being one of the most critical problems and an all-important feature in the question of union, he directed the receiver-general, Hon. J. H. Dunn, to prepare a return of the revenue and expenditure of the province for the past five years.

While these preliminaries were preparing, his traveller's instinct induced him to make an excursion to Niagara. He thus refers to his trip. "I

A BUSY LIFE

started again on Saturday for the Falls. It is only thirty-six miles across the lake to Queenston, and then seven to the Falls. So, by starting early in a government steamer, which I kept, I did the thing in a day, and returned here to sleep. Then again at Niagara, Queenston, and Drummondville, I had to face addresses and the military; still I got three or four hours for the Falls, and certainly they beggar all power of description." On Monday he held a public levee at Government House at one o'clock, and this apparently was attended by all sorts and conditions of men. At the close of this function the merchants of the city presented an address in which they appealed to him to employ his distinguished abilities and intimate knowledge of commerce to devise measures for restoring prosperity and once more directing immigration and capital to the Canadian provinces. The governor promised his best assistance in return for their co-operation in readjusting the constitution. The same day he received a second address from the general inhabitants of the city. The remaining few days before the opening of the legislature he spent in endeavouring to learn the attitude and relative strength of the various elements within the province, in order that he might judge of the most effective presentation to make of the union proposal, in his message to the legislature. What he discovered was not very encouraging, as the following extract from a private letter will indicate.

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“I have now the Upper Province to deal with, which will, I fear, be a more difficult matter. But I do not despair; and certainly, so far as all the real interests of the country are concerned, the union is far more necessary to Upper Canada than to the other. If it were possible, the best thing for Lower Canada would be a despotism for ten years more; for, in truth, the people are not yet fit for the higher class of self-government—scarcely indeed, at present, for any description of it; and by carrying oneself the measures which a House of Assembly will probably never carry, one might gradually fit them for both, and, at all events, leave them an amount of good institutions which the united legislature, when it came, could not destroy. But in Upper Canada the case, as it appears to me, is widely different. The state of things here is far worse than I had expected. The country is split into factions animated with the most deadly hatred to each other. The people have got into the habit of talking so much of *separation*, that they begin to believe in it. The constitutional party is as bad or worse than the other, in spite of all their professions of loyalty. The finances are more deranged than we believed even in England. The deficit £75,000 a year, more than equal to the income. All public works suspended. Emigration going on fast *from* the province. Every man’s property worth only half what it was. When I look to the state of government, and to the departmental administra-

AN UNPROMISING OUTLOOK

tion of the province, instead of being surprised at the condition in which I find it, I am only astonished it has been endured so long. I know that, much as I dislike Yankee institutions and rule, *I* would not have fought against them, which thousands of these poor fellows, whom the Compact call 'rebels,' did, if it were only to keep up such a government as they got. The excitement upon 'responsible government' is great. Not that I believe the people understand what they are clamouring for by that word; but that they feel the extreme uneasiness of their situation, owing to financial embarrassments, and hate the dominant party in the government with intense hatred. I do not wonder at the cry for responsible government, when I see how things have been managed.

"Then the assembly is such a House! Split into half a dozen different parties. The government having *none*—and *no one man* to depend on! Think of a House in which half the members hold places, yet in which the government does not command a single vote; in which the placemen generally vote against the executive; and where there is no one to defend the government when attacked, or to state the opinion or views of the governor! How, with a popular assembly, government is to be conducted under such circumstances, is a riddle to me. I am now more than ever satisfied that the union affords the only chance of putting an end to the factions that distract the country; the only means of recruit-

ing its finances by persuading Great Britain to help the Upper Canada exchequer; the only means by which the present abominable system of government can be broken up, and a strong and powerful administration, both departmental and executive, be formed. And unless the people will assent to the general outline of it, and parliament will then carry the details, upon which they would never agree, with a high hand, the province is lost. From all that I can hear or see, I would not give a year's purchase for our hold of it, if some great stroke is not given which shall turn men's thoughts from the channel in which they now run, and give a fresh impetus to public works, immigration, and the practical improvement of the country's resources.

“ It is indeed a pity to see this province in such a state. It is the finest country I ever knew, even what I have seen of it in a circle of thirty or forty miles from here; and by the accounts I receive the upper part is even superior. Lower Canada is not to be named in comparison. The climate, the soil, the water-power, and facilities of transport, finer than anything in North America.

“ Whether in their present state of violent excitement I shall be able to persuade the people to come to reasonable terms, I cannot venture to say; but I am sure it is the last and only chance. After having brought—and—to think that the French-Canadians ought to have their full share of the representation, I shall not despair of anything. But

THE SPEECH FROM THE THRONE

what I hear, and have as yet seen, of the House of Assembly, is not encouraging. If they are not willing, however, I shall appeal to the people without hesitation; for the state of things admits of no delay, and no half measures."

According to programme, the legislature was opened on December 3rd with a very direct and businesslike Speech from the Throne, which, in laying out the programme of matters to be considered by the legislature naturally placed in the forefront the question of the union, to be submitted for their consideration at an early date. Accordingly on the seventh the subject was brought before them in a message in which the governor referred to the steps already taken in the imperial parliament. He touched on the unsatisfactory condition of the government in Lower Canada, and referred to the deranged condition of the finances of Upper Canada. Public improvements were suspended, private enterprise checked, the tide of immigration diverted, and the general system of government distasteful to many. While the imperial parliament have decided upon a reunion of the Canadian provinces, they desire to have the concurrence and advice of the people of Canada on a subject of so much importance to themselves. He indicates the impossibility of improving the finances of the Upper Province without a union and settlement with Lower Canada, which controls the customs duties on Upper Canadian trade. The co-operation of Lower Canada is

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also necessary to carry out the proposals under way for improving the means of communication.

The terms upon which the governor-general desired the consent of the legislature of Upper Canada were, first, an equal representation of each province in the united legislature; second, the granting of a sufficient civil list; third, that so much of the existing debt of Upper Canada as has been contracted for public works of common interest should be charged upon the joint revenue of the united provinces.

In making these proposals the message also indicated the grounds on which they were to be justified. In giving an equal representation to each province Lower Canada might seem to be placed in an unfavourable position, but, considering the future of both provinces and the expansion of Upper Canada through immigration, extending trade, and industrial enterprise, an equal proportion seemed justifiable. However, it is plain that if this had been the sole reason, the reply of the French-Canadians would have been valid; namely, that there was no occasion to give to Upper Canada an enlarged representation before the coming population had arrived. The real reason was known to every one, and might as well have been frankly stated. It was that the government had to decide between a predominantly British or a predominantly French future for Canada, and they, somewhat naturally no doubt, decided in favour of the

JUSTIFYING THE TERMS

former. The French were as naturally disappointed, and vented much of their displeasure upon the governor as the instrument of their defeat, ignoring all that he did to insure them the fairest possible treatment within that single condition. Indeed his efforts in favour of the French-Canadians caused him to incur the suspicion and resentment of a considerable section of the English element, who thought him much too sympathetic with the French-Canadians.

The justification for the second of the terms, the granting of a sufficient civil list, was the necessity for protecting the independence of the judges and insuring the carrying on of the essential services of the executive government. This meant, of course, the holding of sufficient power in the hands of the central government to insure a stable form of administration as regards the essentials of the constitution.

With reference to charging the debt of the Upper Province upon the joint revenue, the justification lay in the fact that the Lower Province benefited by the improvements in transportation, for which the debt had been incurred. Undoubtedly the enterprising portion of Lower Canada, and therefore especially the English element in it, profited greatly by the rapid expansion of the wealth and population of the western portions of the country, due to the improved means of communication. As an argument for union, however, it

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overlooked the fact that improving the navigation in the upper St. Lawrence and encouraging immigration and settlement were the very reverse of commendable in the eyes of the French-Canadian Nationalists, who fully realized that success in these lines meant the ultimate extinction of their ascendancy and of their hopes.

The terms of the union, one might suppose, would have commended themselves to the English element of Upper Canada. It may be recalled that during the previous session the union proposal had been accepted by the assembly, though under restrictions which could not be admitted, as being too unfair to the French-Canadians, but they were rejected by the council. The new terms proposed by the governor-general, and which were much more favourable to the Lower Province, were ultimately accepted by a large majority in the assembly, with a slight variation in the proposal with reference to the civil list, and the dropping of any limitation as to the debt of the Upper Province to be assumed by the united government. The four resolutions embodying the terms of the union had been introduced by Solicitor-General Draper who had favoured the union during the previous session, but only on the terms then laid down, and which even now he much preferred, though not openly, owing to his relations to the government.

Several attempts were made by the minority elements, chiefly the Compact party, to either

THE UNION RESOLUTIONS CARRIED

block the union altogether, or to alter the terms, chiefly in the direction of making the conditions more onerous for the French-Canadians. The amendment against the union, as such, was defeated by forty-four to eleven, which showed quite approximately the strength of the Compact element. One wing of the Radicals favoured an amendment to the effect that the union question should be referred to the people of the province for a direct verdict, but this was defeated by the same majority, forty-four to eleven. It was significant that the fourth resolution dealing with the debt of the Upper Province was carried without a division. After the resolutions were passed, on the question of an address to the governor-general the more Conservative element endeavoured to attach certain further conditions to the terms of union, such as, that the seat of government must be in Upper Canada, that English should be the official language in the united legislature, that there should be a real estate qualification for members of the legislature, and that, except for the fact of the reunion, the principles of the constitution of 1791 should be preserved inviolate. These, however, were defeated by a majority of twenty-nine to twenty-one.

The leaders of the minority opposed to the union were Attorney-General Hagerman, J. S. Cartwright, and Henry Sherwood. The fact that the solicitor-general and the attorney-general were on opposite sides in so important an issue will indicate

how far the practice of the Canadian government was from that of Britain. In his speech against the union Mr. Hagerman frankly stated that, though a member of the government, he still felt at liberty to oppose the measure presented by the governor-general. He admits that under the new interpretation as to tenure of office the governor might have dismissed him, but the fact that he did not under the circumstances was, he considered, much to his credit. We shall have the governor's comment upon this a little later. Hagerman attacked the union resolutions on different grounds. He took a very characteristic attitude towards the French-Canadians; he considered that they had no claim upon the people of Upper Canada to assist them in regaining their rights under the constitution. Ignoring the whole policy of the British government in the past treatment of the French-Canadians, he maintained that they were the most thankless people on earth, considering all the favours that had been heaped upon them. The union of the provinces would not cure such people, whom he absolutely distrusted; they should be put back under the Quebec Act, not, as we find, to enjoy the complete restoration of French institutions granted under that Act, but to be deprived of their constitutional rights, and to be governed entirely by a nominated council. He criticized the financial proposals, but himself suggested a much more complex and unworkable substitute, which in the end was

A CHANGE OF MIND

to enlarge the income of the Upper Province at the expense of the Lower. As to equalizing the representation of the two provinces, the governor's proposal had the appearance of injustice to Lower Canada, and could only make the French-Canadians more irreconcilable to British institutions. He could not, therefore, agree with his friend Mr. Cartwright that if Upper Canada were given sixty-five members and Lower Canada fifty the union might be rendered a safe measure; his own alternative is the Quebec Act machinery without the Quebec Act contents.

Altogether the result of the assembly's action, when compared with the attitude of the previous session, was a distinct triumph for the policy of the governor-general. But the change of attitude was still more marked in the case of the legislative council, where, in place of the uncompromising rejection of the more favourable proposal of the previous session, the union was accepted by a respectable majority on the terms proposed by the governor. The resolutions were introduced in the council by the Hon. W. B. Sullivan in a very interesting speech, considering that he was one of those who had voted against the union during the previous session. He took the curious ground that the separation of the provinces had been necessary in order to give the English element a footing in the Canadas, but now the reunion was necessary in order to prevent the French from blocking their

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further progress. He referred to the previous proposals for union, which had been successfully objected to by both nationalities, each one fearing that it might be swamped by the other. Some other solution of the difficulty then seemed possible; now all others had been exhausted, and the French had proved themselves unworthy of the liberties which had been granted them, hence their consent to the union was not necessary. As a speech intended to gain over the majority in an Upper Canadian council it was well planned, but it was equally effective, if that had been necessary, in alienating the sympathies of the French-Canadians.

In winning over the majority of the council the personal influence of the governor was most obviously effective, the remaining minority consisting almost entirely of the most irreconcilable element among the placemen of the Compact party. As the *Commercial Herald*, the Compact organ of Toronto, remarked, "We are sorry to perceive that the viceregal sun, as the Montreal *Courier* expresses it, is thawing the ice of opposition in certain quarters where more firmness was expected." The effectiveness of the personal influence of the new governor was freely commented upon in papers of all shades. Even in the debates in the assembly and council it was noticed that a great change had come over several of the members who had previously passed very sharp criticisms upon the colonial policy of the Whig ministry.

THE GOVERNOR'S INFLUENCE

The governor undoubtedly used his personal influence in the way of argument and persuasion to the utmost of his ability, and with very remarkable effect. Several of the Toronto papers most opposed to the union directly accused him of using coercion upon those in office. It is true, as we shall see, that he considered it one of the radical defects of the existing Canadian system that officers of the government should vote in opposition to government measures; but that he did not use his official power to force office-holders into line on the union question was shown from the fact that of the ten who supported Robinson's motion against the union, five were officials holding office at the pleasure of the Crown, and of the twenty-one who supported Cartwright's motion nine were in the same position.

Once the resolutions were passed in the assembly, many of the opponents of the union, including several of the newspapers, among them the Kingston *Chronicle*, accepted it as a settled policy, and frankly looked forward to great benefits to result from it. Nevertheless in other quarters opposition to the union proposals continued to find vigorous expression among the most opposite elements in both provinces. Among the Upper Canadian papers, the Toronto *Commercial Herald* and the Cobourg *Star* mingled with their criticisms of the measure personal attacks upon the governor-general. The Quebec *Gazette*, though strongly opposed to responsible government, was equally opposed to the

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union, regarding the proposal, however, as a sacrifice of the French element, not of the English, as was so steadily maintained in Upper Canada. Its opposition to the union was mainly based, in argument at least, on the difficulty of bringing it into operation as between two races "who have been kept distinct in everything in consequence of British legislation." There certainly was no doubt about the difficulty of working the union after so long a policy of separation, but neither the Quebec *Gazette* nor any other paper had an alternative policy that did not involve either the consigning of Canada to civil war, or the governing of it under an indefinite despotism, however benevolent, which must also inevitably end in strife. However, as presenting the difficulties of the existing situation, the articles in the Quebec *Gazette* and other papers opposed to the union were sufficiently instructive.

The Toronto *Examiner*, Mr. Hincks's paper, and the accepted leader of opinion for the more rational Reformers, strongly supported the union, and on one of the very grounds on which the Quebec *Gazette* so strongly opposed it; namely, that it must inevitably lead to responsible government, as "no secretary of state would have moral courage enough to refuse the just demands of the united people." As to the Tory element, the *Examiner* took rather a cynical view of the office-holders, claiming that they would support the governor in order to protect their places, while the element

THE REFORMERS' SUPPORT

which was in some degree free from such official positions as depended directly upon the governor would oppose him to the bitter end. The *Examiner* was rather severe upon Mr. Draper for the uncertain position which he occupied, alternately professing to represent the government as its organ in the introduction of the resolutions, and again, as a private individual, professing disappointment that it did not go far enough in safeguarding the interests of Upper Canada. As a matter of fact, the general body of the Reformers were the most faithful supporters of the governor's measure, and he did justice to their support in the following terms.

"It is impossible to describe to you the difficulties I have had to contend with to get this matter settled as it has been in the assembly. I owe my success altogether to the confidence which the Reform party have reposed in me personally, and to the generous manner in which they have acted by me. A dissolution would have been greatly to their advantage, because there is no doubt that they would have had a great majority in the next assembly; and it must have been most galling to them to see me, as well as themselves, opposed by a number of the placeholders without my turning them out. But they gave up all these considerations, and in this country, where the feeling of hatred to the Family Compact is intense, they are not light, and went gallantly through with me to the end. The journals of the proceedings in the

assembly, which I send you, will show you the sort of opposition I have had. To the union itself there are not more than eight or ten out of the whole House who are opposed,—all the Family Compact; but these few contrived to propose all sorts of things, to which they knew I could not assent, as conditions to its acceptance, in order to secure the votes of the placemen, and some few others, who were pledged last session to these foolish stipulations. But the Reformers and the moderate Conservatives, unconnected with either the Compact or with office, kept steady; and the result has been that on every occasion the opposition were beaten hollow, and all their proposals rejected by large majorities. I had dissolution pressed upon me very strongly, and there is no doubt that with it I could have got over all difficulty; but then I must have made up my mind to great delay, and I doubt whether the measure would have gone home in time for you to legislate. However, thank God, it is all right at last, though I assure you the anxiety and fatigue have been more than I like."

CHAPTER XIV

AN ANALYSIS AND A FORECAST

NO sooner had the union measure safely passed the legislature of Upper Canada, than, with customary energy, Governor Thomson resumed the task of making himself familiar with the working of the various executive departments and their relations to the legislative branch of the government. He had already set on foot a series of inquiries, and had required a number of comprehensive returns to be prepared for his information. The results of these inquiries were far from encouraging. On December 15th, 1839, in a long confidential despatch to Lord John Russell he gives the general results of his investigation, accompanied by the usual direct and penetrating comments, the whole throwing a flood of light upon the condition of affairs which had prevailed up to that time. There is also an admirable forecast of the only possible lines for remedial measures in the future.

It is stated at the outset that the administration of the affairs of the province is in a very unsatisfactory condition, and yet it is impossible to speak too favourably of the province itself and of its resources. He summarizes its many excellent features, but points out that the extremely distracted political condition of the country has

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arrested progress and threatens it with retrogression and even bankruptcy. "The Province is overwhelmed by debt which it has no means of supporting; public works are at a stand; emigration to the States is going on and a deterioration in the value of every man's property causes discontent and dissatisfaction." For this the abortive rebellion is only very partially responsible, and moreover there is not the slightest doubt of the essential loyalty of the great body of the pepole, though charges of disloyalty are, for political reasons, directed against those who advocate an extension of popular rights. There is, on the other hand, great dissatisfaction with the majority of the officers of the executive government, and this is by no means confined to the popular party, but is manifested by many of those who support the prerogative of the Crown. His own investigations have shown that there are permanent causes for party bitterness, and "just grounds for dissatisfaction on the part of the people with the management of their affairs. These are, the total want of system and power in the conduct of government and the defective State and departmental administration." He proposes to take these up in detail, but first he has certain observations to make on the "general system of government."

"Wherever the constitution has vested in representative Bodies the privilege of making Laws, it becomes the duty of the Executive Govt. to initiate

A STRONG GOVERNMENT NEEDED

and perfect the Measures necessary for the good of the Country, and above all to endeavour to give to the action of those Bodies the direction which will make their labours most efficient. This duty, one of the most important that can devolve on a Government, has hitherto been entirely neglected in Canada.

“ In either House in England, upon the introduction of any considerable Measure or upon the demand on the part of the public for any extensive Change in the Laws, the Natural question is, what Course does the Government propose to pursue, and it is universally admitted, whoever may be in power, and by the opponents no less than the supporters, that a great and important measure can be properly undertaken only by the Govt. itself, or at all events the opinion of the Govt. must be clearly and decidedly stated. But here the opposite Course has been pursued. In the Legislature the Local Government has not only abstained from taking the initiative in measures of Legislation, but it appears to have studiously repudiated those Legitimate means of influence without which it could scarce be carried on.

“ Thus, notwithstanding the presence in the Assembly of many Official persons, the conduct of measures recommended by the Crown or on which the Govt. entertained a very decided opinion has been generally left to individual members, no person being authorized or instructed to explain to the

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House the views of the Government. Nay more, it has happened that on important questions respecting which the local Executive could not properly be indifferent, public Officers have been found taking the most prominent part on opposite sides, apparently without any reference to the opinions or wishes of the Govt. Thus the Govt. became chargeable either with indifference to the proceedings of the Legislature and the welfare of the province, or with weakness in not controlling its own Officers.

“ In either case the effect on the public mind has been very injurious and the result that much defective Legislation, altho' complained of, has been uncorrected, while the Executive Govt. has in a great measure lost its legitimate influence over the action of the Legislature upon matters which have been under their deliberation.

“ The evils resulting from this defective organization of Govt. are exemplified in the most striking manner in the present financial state of this Province. The Country has plunged headlong into debt without the slightest effort on the part of the Govt. to warn the Assembly of the improper and unwise course it was following. Nay, the very control over the expenditure when voted and even the examination of the Accounts have been removed from the Executive, and suffered without a protest to devolve on the popular branch of the Legislature—the very worst body for the performance of

THE LEGISLATIVE COUNCIL

such a duty. Yet while such has been the practice I have every reason for believing that in no place would the enunciation of the opinions of the Govt. produce more effect or be attended with more weight than in these Colonies. The Natural influence enjoyed by the Govt. is great.

“I find that in the House of Assembly many of the members are placeholders of one description or another and there is among the independent and middle party in the Colony, so far as I can judge, a strong desire to be made acquainted with the views and opinions of Govt. upon the different measures submitted to the Legislature.”

Thus does Lord Sydenham put his finger upon the very essence of responsible government in practice, and yet not one in a thousand of those who were incessantly wrangling over the subject in Canada gave evidence of having any true conception of what it really involved or how it must be put in practice.

Another subject on which the governor reports much dissatisfaction, accompanied by more or less drastic demands for alteration if not for reform, was the composition and working of the legislative council. “The members usually selected for this Council have been either Officers of Govt. or Gentlemen resident within or near the Capital.” The appointment of people from a distance has commonly proved a merely honorary distinction. The work of the council has been carried on by

five or six individuals resident in Toronto or servants of the Crown, "a mere clique in the Capital." The government, however, has had no vital constitutional connection with them. They have been "frequently opposed both to the Govt. and the Assembly and considered by the people hostile to their interests." Yet it is this body "in defence of which all the authority and power of the Imperial Parliament has been invoked." If the government had amended the composition of the council so as to bring it into some harmony with the assembly, he considers that the greater number of the complaints regarding it would not have arisen, and there would not have been any serious demand for an elective council. A movement in this direction had been made by Sir George Arthur, who had introduced twelve new members of council, selected from different parts of the country and regarded as having most weight and influence in their respective sections. The result has been very beneficial, many of these gentlemen attended the council this session; the debates have assumed a true parliamentary character, and the deliberations of the council have aroused interest and commanded respect. It is along this line of policy that hope for the future of the council lies.

The system hitherto pursued with reference to the executive council has been equally faulty. This body undertakes many duties which might perhaps be better discharged through the different depart-

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ments of the government. At present, however, he is treating only of the executive functions of the council. It had been the practice of late to place responsibility for the acts and decisions of the whole government upon the executive council, thus relieving the governor from personal responsibility. At the same time the council is, as a rule, a stationary body, in no way selected as holding opinions in harmony with the majority in the assembly. Their opinions, indeed, are often known to be opposed to those of the people. These characteristics of the council have afforded one of the chief occasions for the cry for responsible government. It has been one of the regular assumptions of the home government that the governor himself, and not the executive council, must be responsible for his administrative acts. It may sometimes appear convenient for the governor to shelter himself behind the executive council, but it is poor policy. Moreover, the executive council should be brought into constant and essential harmony not so much with the governor as with the assembly, for the executive council must have the confidence of the people.

“With regard to the Administrative Depts. of the Govt., Your Lordship can scarcely imagine anything more ill digested than the system on which they have hitherto been conducted.” Sir George Arthur, himself a man of experience in practical business, had made great efforts to in-

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introduce a better system, but much still remained to be done and the case was urgent. That the re-organization must be undertaken by the governor, and could not be shifted to any other authority, appeared obvious to Lord Sydenham. In the first place, there was as yet no responsible body upon whom the duty could be laid, and in any case the governor considered it his duty. "The principal and more responsible duty of the Administration must of course under any system fall on the Governor assisted by his Secretary. It is proper and necessary that it should be so, since were it otherwise the Governor could not exercise that control over the administration of affairs which is the indispensable condition of his responsibility. But the manner in which this principle has been carried into practice is open to very serious objection." He then points out that in the early days of the province the governor and his secretary personally attended to all the departments of the administration, including the smallest details. This system had certain advantages which made for unity, efficiency, and economy. However, the stage for such a system had long passed, and yet the system itself had not been altered. The subordinate officers of government were still supposed to be directed by the governor in person, yet they were very much left to themselves, had become irresponsible, and had lost energy and efficiency. The result has been, as brought out in the investigations which are in

REFORM IDEALS

progress, that even in the financial department, where accuracy is most essential, there is great irregularity in the system and the checks provided for security have for years fallen into disuse. What losses may have resulted is not yet determined.

In the light of the very defective system of government which prevails in the provinces the discontent of the people is no matter for astonishment. Under proper remedies a better state of public feeling should in time be secured. This, however, raises the question of future administration, and therefore of responsible government. Referring to Lord Russell's despatch of October 14th, in which he defines the attitude of the government on the subject, Poulett Thomson says that he thoroughly agrees with the principles there laid down. But he has found, in Upper Canada at least, that the views of the leading advocates of responsible government are not properly represented in England. He has found them on the whole to be fairly reasonable. There is no very accurate conception, however, of what is meant by the term responsible government; the general reference seems to be to the form of responsibility advocated by Lord Durham in his Report, but even there it is not defined. While it is quite evident that there can be no formal subordination of the governor to the council, he considers that both Lord John Russell and himself accept the spirit of Lord Durham's Report on the subject, and he thus continues:

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“ It has been my anxious desire to meet and discuss with the principal advocates of this demand their views and opinions. I have stated clearly to all with whom I have conversed the views so well expressed in Your Lordship’s Despatch. I have declared that to attempt to make a council responsible to any one but the governor for advice tendered to him, is incompatible with Colonial Government, and can never receive the sanction either of H. M. Govt. or Parliament. At the same time, however, that this pretension must necessarily be resisted, I have stated no less forcibly that it was the earnest wish not merely of H. M. present Government, but must no less be the interest of every British Minister to govern the Colony in accordance with the wishes and feelings of the People; and that whilst the Governor could not shift any portion of his own responsibility upon the Council, it would of course be his best policy to select as members of that body, whose duty it would be to tender him advice for his consideration, men whose principles and feelings were in accordance with the Majority, and that it must equally be his policy upon all merely local matters where no Imperial Interest would be concerned to administer the affairs of the Colony in accordance with the wishes of the Legislature.

“ To these opinions I have found a ready assent and I have received from all the warmest advocates for the watchword of responsible Govt. the assur-

A HOPEFUL OUTLOOK

ance that if these principles and those contained in Your Lordship's despatch respecting the tenure of Office in the Colony are carried practically into effect the object they seek would be entirely answered. And certainly as far as present appearances go, I am bound to believe them sincere; for since these declarations, and above all since the appearance of that Despatch which has given the greatest possible satisfaction, the excitement on the subject has altogether ceased. In spite, therefore, of the anticipated dangers ensuing from this cry, of the great excitement which prevailed, and of the disheartening appearance which the province presents at the present moment, I hope I am not too sanguine in believing that a better state of things may be arrived at. By the Union of the Provinces the important changes which are indispensable will be greatly facilitated. A good departmental organization may be effected, a more vigorous and efficient system of Govt. may be established, which, conducted in harmony with the wishes of the People, will at the same time be enabled to give a direction to the popular branch of the Legislature and also check the encroachments upon the powers and functions of the Executive, which have been carried so far and have produced so much mischief. Power will pass out of the hands of any small party whose possession, or supposed possession, of it has produced so much irritation, and the people will be satisfied that

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whilst there is a steady determination on the part of the Home Govt. to resist unconstitutional demands, there is no desire either that the affairs of the Province should be mismanaged for the supposed benefit of a few, or that a minority opposed to them in feeling and principle should govern it in opposition both to themselves and to the Home Govt."

This confidential report at once fully analyzes the evils under which the Upper Province in particular was labouring, and clearly expresses the line of policy which the governor intended to follow. It shows also that he had the same rational and practical conception of responsible government as that laid down by his friend the colonial secretary. In his reply to this communication Lord John Russell stated that he had read it with the greatest interest, entirely approved of the interpretation of responsible government given in it and of the policy which he proposed to follow, and congratulated him in the warmest terms on the efficient manner in which he had begun his administration and the remarkable progress which he had already made.

As already explained, the very great personal influence exercised by Poulett Thomson as governor has been largely transferred to the prime ministers of the present day and their cabinets, and even in part to the leader of the Opposition. But it was just the vigorous exercise of the governor's influence in 1840-1, in bringing the Canadian administration

A NEW CONSTITUTIONAL BASIS

out of the exclusive but unorganized power of an irresponsible oligarchy and into harmony with the wishes of the people, as expressed by the majority of their representatives in the assembly, which permitted subsequent governors to leave more and more of the details and responsibilities of office to a departmentalized system of cabinet government. It was this system which Poulett Thomson himself inaugurated, and in doing so of necessity performed the functions of the first prime minister in Canada. The policy outlined in the foregoing important despatch expressed what is still the constitutional theory of the Canadian government, and it is this combination of theory and practice which permits of the maintenance without friction of the double relation of colonial self-government and imperial connection. At the same time, the changes here outlined had yet to be made, and the new system proposed had yet to be constructed and introduced. There was certain to be resentment and recrimination on the part of those who supported or profited by the anomalies and abuses so fully exposed.

One of the most radical difficulties which stood in the way of the introduction of the first elements of responsible government was encountered by the governor-general in the first session of the legislature. Responsible government is of course unworkable where the ministers of the Crown are divided on government measures, and yet, as we have seen, when the question of the union was

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before the assembly both the attorney-general and the solicitor-general sided with the minority against the government measure, the attorney-general openly condemning the policy of the union. There having been as yet in Canada nothing corresponding to a united ministry, no necessity was felt that the chief officers of the Crown should follow a united and consistent policy on public measures. The conduct of the law-officers excited no surprise, not even among the advocates of responsible government. On the contrary, when it was seen that some of the officers of the Crown, as for instance Hon. R. B. Sullivan president of the council, had changed their views on the Union Bill, they were severely criticized for being influenced by the governor-general. Referring to this anomalous condition of Canadian polities, the governor in another confidential letter says of the action of the law-officers, "This is a proceeding subversive of all the principles upon which government can alone be administered under a representative system, however it may have been permitted in the colony before, and I should not for one instant have tolerated it under any common circumstances or hesitated to relieve these officers from their official connection with the administration . . . but the peculiar position in which the treatment of this question last session had placed parties induced me to allow what I should have otherwise considered quite inadmissible." Owing also to the nature of

A UNITED MINISTRY INSURED

the subject before the assembly, the governor did not wish to appear as coercing the opinions of any one, even the officers of the Crown. Lord John Russell quite approved of the governor's attitude on this subject, and it was very evident that there would soon be a new order of things in the Canadian system. Hereafter the leading officers of the Crown must form a united ministry under the leadership at first of the governor himself. Should any of the members of the executive council not agree with measures supported by the governor and a majority of the council they would be expected to resign their positions in the government, and the enforcing of this was made possible by Lord John Russell's despatch on the tenure of office.

Naturally enough this new line of policy created consternation among the official heads of the Compact party. At the same time their mouths were temporarily stopped by their constant assertion that they were responsible not to a majority of the assembly but to the governor as representing the Crown. During the whole of the discussion on responsible government they had looked only to the reform element in the assembly as the one attacking party, and had uniformly employed the authority of the Crown as their defence. Now, to their dismay, the first practical movement towards responsible government emanated from their very citadel of refuge; they were at one stroke deprived

of their customary weapons of defence and attack. It was equally obvious, however, that the leaders of reform in the assembly and in the country, while generally supporting the position of the governor, were frequently nonplussed by his unlooked for moves; for they, too, found responsible government being introduced along unexpected lines. For the most part, the Reformers appear to have expected that the responsibility of the officers of the Crown to the assembly would mean simply a change in the *personnel* of these officers, but without any other radical change in the system of government. They had not apparently considered it essential to responsible government that the members of the executive council should agree among themselves, or that they should come under anything like cabinet discipline. In fact the line along which responsible government could alone be effectively introduced was largely unforeseen by either element in Canada.

In the meantime, notwithstanding the passing of the resolutions in favour of the union of the provinces, the discussion of the details of the measure continued with unabated vigour. The Compact party had not relaxed its opposition to the measure and still hoped, with some show of reason, to defeat it in the imperial parliament, if not in the Commons yet at least in the Lords. John Beverley Robinson, chief-justice of the province, had gone over to England, ostensibly for the benefit of his

OPPOSITION TO THE UNION

health, yet incidentally he prepared an exhaustive pamphlet in opposition to the union and the general policy of the Durham Report. Through the assistance of Conservative friends, he gained the ear of the Duke of Wellington, and persuaded him that should the union take place a combination of the French-Canadians and the Upper Canadian Reformers, or rebels, would undoubtedly gain the ascendancy and the colony would be lost. The Duke took fire at this, and with his customary determination vowed to secure the defeat of the measure. Peel, on the other hand, his co-leader of the party, knew very well that the Duke was being misled, and refused to countenance opposition to the only practicable measure for a solution of the Canadian problem. The result was that the Canadian question caused for a time an estrangement between the chiefs of the Conservative party in Britain, much to the chagrin of their followers. When, however, the bill finally came up in the Lords, the Duke of Wellington, though personally opposing it, did not exert his influence to have it thrown out, as was doubtless within his power.

Immediately after the passing of the union resolutions in the legislative council, the chief opponents of the measure, Elmsley, Strachan, Allan, Crookshank, Macaulay, Vankoughnet, McDonnell and Willson, recorded their dissent. This turned on the points that the terms of the union resolutions did not sufficiently insure British connection, that

they recognized a certain equality between rebels and loyal British subjects, did not insure a property and educational qualification for members of the legislature, permitted the continuation of feudalism and the official use of the French language, did not insure that the seat of government should be in Upper Canada, and, finally, that the details of the measure were to be left to the wisdom and justice of the imperial government, when the present imperial government in their opinion possessed neither attribute. In consequence of the renewed agitation, the matter was again brought up in the assembly, where a number of resolutions were passed and an accompanying address sent to the governor. These related chiefly to the foregoing points brought forward by the minority in the legislative council. They also urged that a vigorous immigration from Britain should be promoted in order that the country might be made British in fact as well as in name, and that there should be a municipal system in Lower Canada similar to that in Upper Canada to provide for local works by local taxation.

In forwarding these resolutions to the home government His Excellency stated that most of them had been put forward at the time of passing the first resolution, but had been rejected. Even now they are to be treated mainly as suggestions. He himself is not prepared to go so far as they desire, especially in the matter of the English language and the qualifications for members.

PARTIAL TO FRENCH-CANADIANS

It was quite evident that the governor, though determined to maintain Canada on the basis of a British colony, was, in the eyes of the British element of both provinces, much too partial to the French-Canadians. The Montreal *Courier* frankly regarded the impartiality of the governor as one of his objectionable qualities, as rendering him too favourable to the French-Canadians. The Compact element in Upper Canada would not concede his impartiality, claiming that he distinctly favoured French-Canadians and rebels. Yet notwithstanding all the enmity which he incurred to preserve to the French-Canadians their rights as British subjects, he was regarded by those who had the ear of the majority of them as an enemy of their race, chiefly because the equality which he would secure to them was that of *British* subjects.

The Lower Canadian point of view, hostile to the governor's policy, was represented in a series of resolutions passed at a special meeting in Quebec on January 17th, 1840. It was declared that no adequate steps had been taken to ascertain the feelings of the inhabitants of Lower Canada on the subject of the union, the resolutions of the Special Council were repudiated as not representative of Lower Canada, while the representatives of Upper Canada had been consulted through their legislature. Under the Constitutional Act, following the Quebec Act, the province had been divided so as to give each section its own laws and institutions. If now re-

united those radical differences in laws and institutions would be destroyed. Anticipating references to the obviously intolerable conditions of the province of late years, they naïvely expressed the assurance that if allowed to retain their provincial independence the people of Lower Canada would in future avoid all previous errors, would promote harmony between the different sections of the government, would not withhold supplies, would make arrangements to give fair representation to the English element in all parts of the province, and would agree to the raising of revenue to improve ship navigation from the sea to the Great Lakes. They had, however, no similar faith in the English element of Upper Canada, who, under the union, would tax the great majority of the people for the benefit of a mere section of the province, while the debt of Upper Canada, contracted for the improvement of that province, would be imposed upon the inhabitants of Lower Canada. They therefore maintained that the Constitutional Act should remain in force until the people of Lower Canada voluntarily agreed to change it. It was resolved that petitions to the queen and both Houses of Parliament founded on these resolutions should be prepared. These remonstrances were signed by forty-eight persons, representing many of the leading French magistrates, professional and business men of the city of Quebec, and also by a few English sympathizers, such as John Neilson editor

FOR AND AGAINST UNION

of the Quebec *Gazette* and T. C. Aylwin, who were bitterly opposed to the union.

As a counterblast to this movement, a meeting, promoted by the British and Irish citizens of Quebec, was held at the Albion Hotel, on January 31st. M. Le Mesurier was elected chairman, and a number of resolutions, preceded by strong speeches, were moved in favour of the union policy. On all points they expressed views directly opposed to those of the French resolutions. Obviously no solution of the Canadian problem could be afforded by any form of plebiscite. A plebiscite assumes national unity on all the main issues of political life, but it was exactly on the fundamental issues that no unity existed in Canada.

CHAPTER XV

THE CLERGY RESERVES

HAVING secured the primary object of his mission in obtaining from the existing legislative bodies in Canada an early and favourable verdict on the union measure, His Excellency was encouraged to employ his influence in further preparing the way for the successful introduction of a united legislature. Already the governor had abundantly proved the strength of his will and the vigour of his personality. Amid the shifting sands and baffling cross-currents of Canadian politics, it was with a happy relief that many who were not the special champions of this or that section of policy instinctively turned to a man with an intelligent and comprehensive grasp of affairs, who was sure of himself and of his destination.

During his rapid and effective canvass of the actual condition of the province, both as to men and affairs, the governor had learned that the most troublesome question in Upper Canada was that of the Clergy Reserves. As this was a question peculiar to Upper Canada it was particularly desirable that it should be disposed of, if possible, before the union came into effect. In the united legislature much would depend upon reducing the causes of friction and the multiplication of factions. The

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governor's object in taking up the question immediately is thus stated by himself in his correspondence: "I am much wanted at Montreal; but I think I shall stay on here for three weeks or a month longer, in order to try my hand at the Clergy Reserves. My popularity is just now at its utmost height, and it may be possible to use it for that purpose. The House adjourns to-day, and I shall employ this week in trying whether I can bring people together upon any decent plan of settlement. But I confess I am not sanguine; for there are as many minds almost as men, and they are all dreadfully committed, both in the House and with their constituents, upon this question, for twenty different projects. If it were possible, however, to come to some conclusion which would not be addressed against in England, it would be the greatest boon ever conferred on this province, for it causes a degree of excitement throughout it which is scarcely credible. I will at least make some attempt at it, if possible."

As the governor states, the question of the Clergy Reserves had been for many years a source of the most bitter feelings throughout the province. Designed originally to insure to the people of Upper Canada the teaching of the Protestant religion and a close dependence upon the British Crown, these reserves had done more than anything else to bring Christianity into contempt, and to loosen Britain's hold upon the colony. It is not possible

ORIGIN OF THE RESERVES

here to go into the prolonged and numerous controversies over this subject; it must suffice to indicate briefly the essential features of the question.

Following vaguely and roughly the idea of the Mother Country as to an established church, various provisions had been made in the American colonies, and subsequently advocated in Canada, for the assistance of the clergy in the colonies. The idea of setting apart a portion of the Crown lands for this purpose was discussed in relation to Canada before the framing of the Constitutional Act, the first drafts of which, however, contained no reference to the subject. This feature was introduced by special message from the king, and in the final form of the Act provision was made for setting apart in each province one-seventh of the lands thereafter to be granted, "for the Support and Maintenance of a Protestant Clergy within the same." The Church of England interpreted the "Protestant clergy" to mean the clergy of the Established Church of England; but when Presbyterian Churches were introduced the Church of Scotland laid claim to a share of the proceeds from these lands as an established church in the United Kingdom. This claim was brought up in the assembly in 1823-4 by Mr. William Morris, for years the champion of the Church of Scotland in the legislature. The assembly presented an address to the king asking for a recognition of the claims of the Church of Scotland. The controversy thus introduced be-

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tween the two established churches, led to claims on behalf of other churches whose representatives pointed out that the Act specified only a Protestant clergy, and that the clergy of the established churches had no monopoly of Protestantism. This wider interpretation having been effectively propagated, another address was adopted by the assembly in 1826, declaring that the reserves "ought not to be enjoyed by any one denomination of Protestants to the exclusion of their Christian brethren of other denominations." Either, therefore, the Clergy Reserves should benefit every denomination, or, if that were deemed inexpedient, the proceeds "should be applied to the purposes of education and the general improvement of the province." The Earl of Bathurst, seeking to avoid the issue, replied that the assembly had misunderstood the intention of the Act; whereupon the assembly passed a series of resolutions strongly objecting to a monopoly of the reserves by the Church of England. It also drew attention to the very inadequate provision made for education, and declared that the proceeds of the Clergy Reserves ought to be "applied to increase the provincial allowance for the support of district and common schools, and the endowment of a respectable provincial seminary for learning, and in aid of erecting places of worship for all denominations of Christians." A bill was passed giving effect to these resolutions, but was rejected by the council.

THE CAUSE OF THE CONFLICT

In 1826 the assembly, in an address to the queen with reference to the provincial university, expressed the popular desire that the proceeds of the Clergy Reserves "should be entirely appropriated to purposes of education and internal improvement." They expressed the conviction also that the churches would be adequately provided for by private liberality. In 1829 and 1830 bills were passed by the assembly for the sale of part of the reserves, the proceeds to be devoted to the above purposes, but these also were lost in the council. The assembly reaffirmed its position in the resolution of 1831 and the accompanying address to the imperial parliament for an Act authorizing the sale of the Clergy Reserves, and the application of the proceeds "for the advancement of education, and in aid of erecting places of public worship for various denominations of Christians." The close of the session checked this movement, but the subject was resumed the following session, and an address adopted praying for an application of the proceeds of the reserves to education only. In the session of 1832-3 a bill to re-invest the reserves in the Crown came to nought. In 1834 a bill for the application of the reserves to education was passed, but again lost in the council. In 1835 a similar bill was sent to the council, which instead of dealing with it adopted a series of resolutions stating the various claims made upon the reserves and praying the imperial parliament to settle the question. On

these being sent to the assembly they adopted a resolution declaring that their wishes and opinions remained entirely unchanged. In 1836 the assembly passed another bill for the sale of the reserves and their appropriation to general education. The council entirely reconstructed the bill so as to authorize the re-investing of the reserves in the Crown for the benefit of religion. The assembly restored it to its original form, and the council then rejected it.

In the new and strongly Conservative assembly of 1836-7, a resolution was adopted, by thirty-five to twenty-one, declaring it to be desirable that the Clergy Reserves should be employed "for the promotion of the religious and moral instruction of the people throughout this province." To this the council replied that if "moral instruction" meant nothing but religion, they would agree to it, and there the matter rested during that session. The following session, 1837-8, the assembly, after a heated debate, adopted a resolution advocating the re-investing of the reserves in the Crown "for the support and maintenance of the Christian religion within the province." A bill for that purpose was brought in, but, owing to the disturbed condition of the province due largely to this very question, was not proceeded with. In the first session of 1839 the question absorbed a great deal of attention and excited much bitterness. A series of resolutions was passed, by twenty-four to twenty, making provision for glebes for the Churches of

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England and Scotland and the Wesleyan Methodists. The remainder of the reserves was to be sold and the proceeds invested in provincial debentures, the returns from which should be employed, first, in paying the clergymen of the Churches of England and Scotland a stipend not to exceed a hundred pounds; second, in paying a specified number of clergymen of the Wesleyan Methodist Church, in connection with the English conference, an allowance not to exceed a hundred pounds each, the surplus to be employed in the erection of places of worship throughout the province. A bill founded on these resolutions was passed, but, being considerably amended by the council, was afterwards rejected in the assembly, and a resolution adopted declaring that the Clergy Reserves should be sold and the proceeds paid over to the receiver-general for the current uses of the province. It was also resolved that the imperial parliament be requested to pass an Act placing the funds arising from past sales at the disposal of the provincial legislature. A bill based upon these resolutions was, after much close voting, passed by the casting vote of the speaker. It was amended in the council to vest the proceeds in the imperial parliament to be applied to "religious purposes." The amendments were finally accepted in the assembly by a majority of one, on the last day but one of the session, when some of the opponents of the council's amendments had left town. This bill

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was sent to Britain, but the law-officers of the Crown, on technical grounds, held it to be unconstitutional, and as there was little prospect of its effecting a settlement, even if sanctioned, it was disallowed and the matter referred back to the local legislature.

Such was the stage at which this vexed question had arrived when Lord Sydenham faced the problem which had been the despair of a long line of preceding governors, who could neither prevent its constant reappearance nor find any acceptable solution for it. In dealing with the question, not only were the assembly and council both to be faced, with their strongly divergent views and interests; but, even should they be brought into sufficient harmony on any measure, it would still have to run the gauntlet of the home government, itself divided on such measures as between the Lords and Commons. Moreover, it was certain that any measure which diverted the proceeds of the reserves from religion, or even from the Church of England, would have little prospect of gaining the sanction of the House of Lords. In casting about for some solution of this chronic problem, a practicable rather than an ideal measure was the only one worth attempting. The history of the question obviously indicated that the existing House of Assembly was, for Upper Canada, an unusually Conservative one, and thus inclined to concede much towards the convictions of the council, and

LORD SYDENHAM'S SOLUTION

thereby also to secure concessions from the council.

Having sized up the situation and mapped out his line of policy, on December 23rd Governor Poulett Thomson sent his message to the House of Assembly, giving the reasons for the disallowance of the Act of the previous session, and declaring that he would shortly call the attention of the assembly to this subject. Accordingly, on January 6th, 1840, he sent to the assembly a message on the subject of the Clergy Reserves. He frankly acknowledged the difficulty of the subject, owing to the varied convictions and interests not only in Canada but in Britain also, where any measure dealing with a problem involving a modification of the Constitutional Act must be submitted to both Houses of Parliament. At the same time there was an extreme necessity for disposing of the subject, in view of the probable reunion of the provinces. He had, therefore, directed a measure to be prepared for their consideration which provided that the remainder of the Clergy Reserves should be sold and the proceeds funded, and that the annual return should be distributed, according to specified terms, between the Church of England, the Church of Scotland, and such other religious bodies as were recognized under the laws of Upper Canada, for the support of religious instruction in the province. Such a solution he considered would be in accordance with the original object of the

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appropriation, and, if accepted by the legislature in Canada, would probably insure a final settlement of the question. On the same day Solicitor-General Draper brought in the promised bill for the disposal of the Clergy Reserves and the distribution of the proceeds.

It was quite evident that the measure would be very distasteful to the whole of the reform element, who had just assisted the governor so effectively in passing the union resolutions. The governor was abundantly aware of this, but considered that there was not the slightest possibility of getting a bill, drawn on the usual reform lines, through either the legislative council in Canada or the House of Lords in England. Even to the measure as introduced he knew that there would be strenuous opposition on the part of the friends of the English Church, and even of the Church of Scotland. He knew that all his influence and persuasive powers would be required to meet the opposition of the more extreme parties on both sides, but the solution offered seemed to him the only one which had a chance of passing.

The attitude of the Reformers had already been expressed in certain resolutions passed at a meeting in Toronto, on December 30th, Dr. Baldwin in the chair. In these the Reformers in the assembly were commended for supporting the union policy of the governor-general. It was declared, however, that the only acceptable solution of the Clergy Reserves

RECEPTION OF THE SOLUTION

question would be the application of the proceeds to either education or public improvements. It was maintained also that on the subject of the Clergy Reserves the present legislature did not properly represent the people of the province. Both Baldwin and Hincks had evidently been consulted on the subject of the reserves and were informed in advance of the settlement to be proposed by the governor. The Toronto *Examiner*, Hincks's paper, announced in advance what the character of the new bill was likely to be. It condemned, however, any such settlement, though admitting that the House of Lords in England would scarcely consent to a diversion of the reserves from religious uses. At the same time it was declared to be the duty of the legislature to insist upon a settlement acceptable to the people of Canada.

When the bill was brought in, the *Examiner* declared that it had supported the general policy of the new governor, and would not even now actively oppose his administration, but maintained that he had made a great mistake in his plan for settling the Clergy Reserves. As the discussion on the measure continued, it was evident that the governor was winning over quite a number of Reformers who, while doubtful of the wisdom of this measure, would accept it as a settlement in default of anything better. On the other hand, the majority of the Conservatives found in this measure at least one item in the programme of a Liberal

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governor which they could accept, even with qualifications. It was not, of course, to be expected that such a burning issue could be disposed of without much acrimonious debate. Not only did the heathen rage, but the prelates also, for Bishop Strachan and the uncompromising Anglicans were as incensed at the inclusion of dissenters as the secularists were at the participation of any clergymen. The country was accustomed to bitter controversies of this kind without a settlement, but now, owing chiefly to the wisdom and tact of the governor alike in the framing of his measure and in the enlisting of supporters, a settlement was effected, for in the end the bill successfully passed both branches of the legislature. But it had still to receive the sanction of the home government, and Strachan hoped to defeat it in the House of Lords. In a private letter to Lord John Russell, the governor wrote, "If the Lords reject the Bill, upon their heads be the consequences. I will not answer for the Government of the Province, if the measure should come back. In case there is any blunder made by the lawyers, you must re-enact the Bill in England; for here it cannot come again without the most disastrous results." As the Act undoubtedly involved an alteration of certain features in the Constitutional Act of 1791, it was judged to have exceeded the powers of a colonial legislature. But the imperial parliament, following the governor's advice, itself passed a bill effecting the same purpose, and thus, for a number

CONSTITUTIONAL EXPERIMENTS

of years at least, the Clergy Reserves question was disposed of. It might, indeed, have been permanently disposed of had not the irreconcilable Bishop of Toronto insisted upon re-opening the question in his efforts to secure the whole of the endowment for his own Church, with the result that, having roused the secularist element once more, Hincks was enabled to achieve as prime minister what he had advocated as editor of the *Examiner*, and in the end the Church lost everything.

During this last session of the legislature of Upper Canada, Sydenham had been experimenting with the new system of an organized cabinet and responsible government, though its complete expression could not be secured until the passing of the Union Bill. At the same time, though ingenious efforts were made to draw from him definite statements on the theoretic aspects of responsible government and British connection, knowing quite well that this was a matter calling for a practical and not a theoretic solution, he adroitly avoided precise definitions, simply stating "that he had received Her Majesty's commands to administer the government of these Provinces in accordance with the well understood wishes and interests of the people, and to pay to their feelings, as expressed through their representatives, the deference that is justly due to them."

The governor's experience of the session, the attitude which he had adopted, and the contrast

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of strong government leadership under a cabinet system with the previous methods of conducting the provincial business, are well brought out in a private letter to Lord John Russell. "I have prorogued my Parliament, and I send you my Speech. Never was such unanimity! When the Speaker read it in the Commons, after the prorogation, they gave me three cheers, in which even the ultras united. In fact, as the matter stands now, the Province is in a state of peace and harmony which, three months ago, I thought was utterly hopeless. How long it will last is another matter. But if you will settle the Union Bill as I have sent it home, and the Lords do not reject the Clergy Reserves Bill, I am confident I shall be able to keep the peace, make a strong Government, and get on well. It has cost me a great deal of trouble, and I have had to work night and day at it. But I was resolved on doing the thing. . . .

"The great mistake made here, hitherto, was that every Governor threw himself into the hands of one party or the other, and became their slave. I have let them know and feel that I will yield to neither of them—that I will take the moderate from both sides—reject the extremes—and govern as I think right, and not as they fancy. I am satisfied that the mass of the people are sound—moderate in their demands, and attached to British institutions; but they have been oppressed by a miserable little oligarchy on the one hand, and

FINANCIAL REFORM NEEDED

excited by a few factious demagogues on the other. I can make a middle reforming party, I feel sure, which will put down both.

“ You can form no idea of the manner in which a Colonial Parliament transacts its business. I got them into comparative order and decency by having measures brought forward by the Government, and well and steadily worked through. But when they came to their own affairs, and, above all, to the money matters, there was a scene of confusion and riot of which no one in England can have any idea. Every man proposes a vote for his own job; and bills are introduced without notice, and carried through *all* their stages in a quarter of an hour! One of the greatest advantages of the Union will be, that it will be possible to introduce a new system of legislating, and, above all, a restriction upon the initiation of money-votes. Without the last I would not give a farthing for my bill: and the change will be decidedly popular; for the members all complain that, under the present system, they cannot refuse to move a job for any constituent who desires it.”

At the close of this session a re-adjustment of offices took place, the chief object of which was the governor’s well-known purpose to bring the members of the government into greater harmony and unity on public issues. The previous record of Mr. Hagerman, the attorney-general, was notoriously at variance with the more liberal policy introduced

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by Governor Poulett Thomson. Though he had accepted the Clergy Reserves Bill with a fairly good grace, it was quite obvious that his position, while embarrassing to himself, would bring little strength to the government. It was arranged, therefore, that Judge Sherwood should retire from the bench with a pension, and that Mr. Hagerman should succeed him, while Solicitor-General Draper becoming attorney-general, Mr. Robert Baldwin, the acknowledged leader of the Reformers, should enter the government as solicitor-general. This arrangement was duly sanctioned by the home government and went into effect.

CHAPTER XVI

A SURVEY OF HIS WHOLE DOMAIN

LEAVING the administration of Upper Canada in the hands of Sir George Arthur, immediately on the close of the session the governor returned to Montreal and summoned the Special Council, in order to dispose of such matters of purely local concern as required immediate attention, or as would only have proved an embarrassment among the more general matters which were certain to crowd the first session of the united legislature. That the political outlook in the Lower Province was not of a very promising character may be gathered from the following private letter which summarized the situation.

"I have been back three weeks, and have set to work in earnest in this province. It is a bad prospect, however, and presents a lamentable contrast to Upper Canada. There great excitement existed; but at least the people were quarrelling for realities, for political opinions, and with a view to ulterior measures. Here there is no such thing as political opinion. No man looks to a practical measure of improvement. Talk to any one upon education, or public works, or better laws, let him be English or French, you might as well talk Greek to him. Not a man cares for a single prac-

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tical measure—the only end, one would suppose, of a better form of government. They have only one feeling—a hatred of race. The French hate the English, and the English hate the French; and every question resolves itself into that and that alone. There is positively no machinery of government. Everything is to be done by the governor and his secretary. There are no heads of departments at all, or none whom one can depend on, or even get at; for most of them are still at Quebec, and it is difficult to move them up here, because there are no public buildings. The wise system hitherto adopted has been to stick two men into some office whenever a vacancy occurred; one Frenchman and one Britisher! Thus we have joint Crown surveyors, joint sheriffs, etc., each opposing the other in every thing he attempts. Can you conceive a system better calculated to countenance the distinction of race? The only way, under these circumstances, in which I can hope to do good, is to wait for the Union in order to get a Government together; and that I shall do. Meantime, what I am chiefly anxious about now is to get a good division of the province for judicial purposes, which I shall make fit in with the proposed municipal districts. I hope to get an entirely new system of judicature, introducing circuits for the judges, and district courts for minor civil causes. I have already established stipendiary magistrates; and a rural police in this district, com-

ORDINANCES

menced by Lord Seaton, I mean to extend generally over the whole province, in a few weeks, by an ordinance."

In accordance with this programme, a couple of draft ordinances to regulate the practice of the courts of judicature were early presented to the Special Council. The first, which related to the superior courts, was drawn by Chief-Justice Stuart, and was printed for distribution. The criticisms received were carefully considered, and the ordinance when passed gave general satisfaction. The second provided for the establishment of minor or district courts, as in Upper Canada. Another ordinance which gave rise to much debate and petitions *pro* and *con*, was one for incorporating the Seminary of St. Sulpice in Montreal. The object of this was to permit the seminary to obtain an equitable commutation of its dues, and thus extinguish feudal tenures in the Island of Montreal. In the estimation of a number of influential English citizens of Montreal, this ordinance was regarded as a further evidence of the governor's undue partiality for the French-Canadians. He considered, however, that the commission of 1836 had established beyond question the equitable claim of the seminary. Ordinances were also passed re-establishing civic corporations for the cities of Quebec and Montreal, the former charters having expired during the late troubles. There were altogether twenty-one ordinances passed, including two railroad measures. The

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council was prorogued on June 28th, and the governor thus briefly reported the proceedings. "I have closed my Special Council, and send you home my ordinances. They have done their work excellently well, thanks to Stuart and my new solicitor-general, who turns out admirably. . . . I have passed some, but not all the measures which are indispensable previous to the Union. The Registry Bill still remains; but that I shall get through in the autumn, after it has been for two or three months before the public, which was the course I adopted with the Judicature Bill, and found most advantageous. Education also stands over; for it is impossible to do anything in that until we get the municipalities erected in the districts."

The new measures were received with very mixed feelings, and undoubtedly the governor was quite justified in his remark that "nothing but a despotism could have got them through. A House of Assembly, whether single or double, would have spent ten years at them." The Quebec *Gazette*, which was so bitterly opposed to the Union Bill and to responsible government, preferring government from England rather than by any popular majority in Canada, was nevertheless strenuously opposed to the despotic system which came from England. In summing up a lengthy criticism of the work of the governor and Special Council the *Gazette* said, "The system of legislation by a Governor and Council

SYDENHAM VISITS NOVA SCOTIA

prudently and discreetly managed, might have been beneficial, for a time; but it has been completely worn out, in little more than two years; thereby furnishing another striking instance that power, even in the hands of enlightened and liberal men, soon degenerates into the grossest abuse when there is no present and ever-active check." Nevertheless, the *Gazette* continued to rail at all forms of responsible government.

Immediately after proroguing the Special Council at Montreal, the governor-general set out for Quebec on his way to the Maritime Provinces, which were also committed to his care. In Nova Scotia, in particular, an embittered agitation was in progress, centring around the inevitable question of responsible government. Mr. Joseph Howe was the leading exponent of the new policy on that subject. It was understood in Canada that "the object of His Excellency's visit to Nova Scotia is to meet the Legislature of that Province, and explain the views entertained by Her Majesty's Government on the subject of Responsible Government." As a matter of fact, the friction between the lieutenant-governor, Sir Colin Campbell, and the executive council on the one hand, and the house of assembly on the other, had reached a crisis. On April 30th Lord John Russell requested the governor-general to proceed to Nova Scotia "to inquire into the causes of these lamentable dissensions; but while Her Majesty is determined not to admit of

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any thing derogatory to the honour or reputation of Sir Colin Campbell, Her Majesty will be disposed to listen favourably to any suggestions you may be able to make for the better government, and future contentment of a portion of her people from whom the Queen and her Predecessor have received so many proofs of loyalty and attachment." In reply the governor promised that, though sorely needed in Canada, he would meet the colonial secretary's wishes. In a confidential despatch he stated that, so far as he could learn from his communications with that province, there were few, if any, vital issues at stake, save only the lack of personal harmony between the members of the executive council and the assembly. He regarded the situation as but a striking instance of the unwisdom of attempting to maintain in office persons who are objectionable to the majority of the assembly. The colonial government, legislative and executive, should be a unit on all important matters and command the confidence of the popular majority, so that the advice which they tender to the governor may be taken as expressing the wishes of the people. It will then be a matter of imperial policy as to whether or not the advice of the colonial government should be taken, and for that decision the governor alone must be responsible, not the colonial executive.

The action taken by the Nova Scotia assembly, in the present instance, rendered it difficult to

THE USUAL DIFFICULTIES

either refuse or concede their demands. So far as he could judge, before studying the situation on the ground, his recommendation would be, "to send out a Civil Governor to dissolve the Assembly; to re-model the Executive Council upon its true principle, and to deal finally with the state of things as it may then arise." He closes the despatch with this significant remark, "The state of things indeed affords to my mind only another instance of the mischief which must inevitably arise from entrusting the delicate and difficult task of governing with a popular assembly to persons whose previous pursuits have left them practically unacquainted with the management and working of such bodies."

Arriving in Halifax, July 9th, he was sworn in as governor the same day. The next day he held a levee at Government House, received and replied to the usual addresses, and immediately plunged into the details of the provincial troubles. Consulting the leading men of all parties, he found the political situation to be very much what he had anticipated in his despatch from Montreal. There had been no quarrel with the lieutenant-governor personally, nor over any measures of vital public interest. The difficulties were entirely due to jealousy as to the division of power and patronage between the assembly and the executive council, a body established only three years previously. Upon the governor alone devolved the task of defending the executive council, which according

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to the governor-general was well-nigh impossible of defence. It was composed of eleven men, only two of whom had seats in the assembly, and the majority did not possess the confidence of the people, being a constant source of weakness instead of strength to the administration. The legislative council also had been a source of weakness, its members having been selected too exclusively from the party opposed to the majority of the assembly. Here again, as in Canada, he found the central defect to be the lack of a well-organized government in touch, through the assembly, with the needs and wishes of the people. This lack of the basal principle in responsible government he expresses as follows: "By far the most serious defect in the Government is the utter absence of Power in the Executive, and its total want of energy to attempt to occupy the attention of the Country upon real improvements or to lead the Legislature in the preparation and adoption of measures for the benefit of the Colony. It does not appear to have occurred to any one that it is one of the first duties of the Government to suggest improvements where they are wanted. That the Constitution having placed the power of Legislation in the hands of an assembly and a Council it is only by acting through these Bodies that this duty can be performed, and that if the proper and legitimate Functions of Government are neglected, the necessary result must be, not only that the improve-

IN HARMONY WITH HOWE

ments which the People have a right to expect will be neglected and the prosperity of the Country checked, but that the Popular Branch of the Legislature will misuse its power and the popular mind be easily led into excitement upon mere abstract Theories of Government to which their attention is directed as the remedy for the uneasiness they feel."

He found that his analysis of the situation in Nova Scotia and his proposed remedies were entirely approved by Joseph Howe, then editor of the *Nova Scotian* and leader of the popular party in the assembly. "I have received from that gentleman and his friends and also from many others who are considered as of the opposite party, the assurance of their readiness entirely to concur in the course which I propose to adopt with regard to the formation of the Councils, and lend their hearty co-operation to the harmonious working of the system." The central principle in the new system proposed is thus expressed: "I consider that principle to be, that seats in the Executive Council shall be held only by the Officers of the Government or by Members of either branch of the Legislature. That the leading Officers of Government should take their fair share of responsibility by becoming Members of it, if they wish to retain their Offices. That where it may be expedient to give Seats in the Council to Gentlemen not connected with Office, leading men should be

selected, giving a fair preponderance to those whose general opinions concur with those of the majority of the assembly without excluding altogether others, which in a small Colony, where parties are not and cannot be ranged as they are in England, seems advisable." He then goes on to specify in detail the changes to be effected, preferably by a new governor. He closes this long confidential despatch with a clear statement of the position which a governor-general must occupy in the colonial system of North America, and which clearly indicates that in the initial stages at least of responsible government, the governor must be his own prime minister. "It appears to me indispensable to the good conduct of Colonial Government that the initiation should be taken by the Executive in all measures for the improvement of the Province, and this can be effectually done by no one but the governor himself. He is in fact the Minister, and unless, therefore, he is from his habits inclined to consider questions of Civil Government, and has some acquaintance with the mode in which, first of all, the task of preparing measures is to be performed by those who hold Office under him, and next with the working of popular institutions, it is in vain to expect either that harmony can long be maintained, or that the Colony should prosper as it ought to do. Moreover he must be responsible for selecting his own cabinet. . . .

THE GOVERNOR AS PRIME MINISTER

“If the Queen’s Representative is to be responsible to Her Majesty and Her Advisers, and not to his Council—if the people are to look to him, and not to any responsible advisers of his in the Colony, he must act as a minister does in England. He must feel it to be his first duty to endeavour to act in harmony with the wishes of the people, he must impart vigour to every branch of his Government, he must distribute his subordinate Officers in the way which may be most acceptable to the Legislature, thro’ whom he has to act, and he must shew the Colony that he will himself take the lead in all that may appear to be for their interest.”

What Lord Sydenham did not fully foresee was that when this system of organized cabinet government was once definitely introduced, the function of acting “as a minister does in England” would be chiefly transferred to a minister in Canada, leaving to the governor the purely formal function of representing the home government in sanctioning that which is “in harmony with the wishes of the people.” Thus would be avoided that which Lord Sydenham recognized as the chief difficulty in his conception of a governor as prime minister; namely, what was to become of the governor when his ministry was no longer acceptable to the people? If the prime minister in England may be driven from power by a vote of want of confidence, must not a Canadian minister, even if governor, suffer

the same fate? Sydenham admitted that he ought to be recalled, but saw the difficulty, from the point of view of imperial connection, of recalling a governor as the result of an adverse colonial verdict upon his ministry. But by separating the functions of colonial prime minister, once they were firmly established, and imperial governor, the fall of the colonial minister would not involve the recall of the colonial governor. It is true the governor would thenceforth represent but a relatively small portion of his previous combination of functions, but he would be the visible symbol, as the king is in Britain, of the continuity of government amid the changes of ministries and the dissolution of parliaments; the visible symbol also of the unity of the Empire. The permanence and unity were preserved by Lord Sydenham's plan for the introduction of a responsible cabinet government with the governor as the first prime minister. He thus adroitly bridged the chasm between a line of governors who recognized little necessity for accepting advice, and a line of governors who were to recognize as little necessity for giving any.

While in Halifax, the governor-general received a visit from Sir John Harvey, lieutenant-governor of New Brunswick, conveying the desire of the people of New Brunswick that he should visit that province. Lord Sydenham accordingly paid a short visit to St. John and Fredericton. There he found a governor and a government fulfilling his

NEW BRUNSWICK FORTUNATE

ideas of a true colonial administration. "There reigns in New Brunswick the most perfect tranquillity and an entire harmony between the Executive Government and the Legislature. This state of things is greatly owing to the course which has been pursued by the Lieutenant-Governor whose personal popularity appears to be very considerable and no doubt much is due to the good sense of the Inhabitants. The happy effects of it are to be seen in the rapid advance which the Province is making to wealth and prosperity." Sir John Harvey had already expressed his views on responsible government, and they very closely corresponded with those of Lord Sydenham.

Returning to Halifax on July 26th, he set out for Quebec on the twenty-eighth, reaching that city on the thirty-first. On his way to Montreal he passed through the Eastern Townships. Everywhere he put himself in personal touch with the people, receiving most hearty responses. Realizing fully the political advantage of such a course, and finding that the Union Bill had now passed the British parliament, he immediately set out upon an extensive tour of the western province. This proved of the utmost importance to him in that first trying session of the united legislature. The tour occupied the greater part of August and September, 1840. His experiences are best given in his own words, taken from a private letter which deals with various incidents more freely

than his formal despatches, though these are also enthusiastic over the future prospects of the province.

“This tour has indeed been a triumph—a series of ovations. You can conceive nothing more gratifying than my progress through Upper Canada, especially in the west; nor, indeed, with one exception, anything more fortunate; for I have had beautiful weather and good health, and have been able to keep my time very exactly at the different places, so as to receive all intended honours, and satisfy and please the people.

“That exception was Lake Erie. The Government steamer in which I embarked was altogether the filthiest and vilest concern which ever floated on water. *Admiralty*, not Provincial, of course; and my patriotism prevented me from hiring a Yankee steam-boat instead, which would have conveyed me safely and comfortably. We had a storm on the lake, and got very nearly lost; and what was as bad, I could put in nowhere to see the coast, but was obliged to run for Amherstburg. The same thing happened on Lake Huron, where the sea runs as high as in the Bay of Biscay; and, to complete the catastrophe, in running up the river Thames to Chatham away went the rudder and tiller, both as rotten as touchwood. So I abandoned the *Toronto* to cut a fresh rudder out of the woods, and was right glad to get the rest of my tour by land.

THE WESTERN TOUR

“ I had a carriage on board and plenty of saddle-horses, and as the roads are not impassable at this time of year, on horseback at least, I made out admirably.

“ Amherstburg, Sandwich, River St. Clair, Lake Huron, Goderich, Chatham, London, Woodstock, Brantford, Simcoe, the Talbot Road and Settlement, Hamilton, Dundas, and so back to Toronto. You can follow me on a map. From Toronto across Lake Simcoe to Penetanguishene on Lake Huron again, and back to Toronto, which I left last night again for the Bay of Quinté. *All* parties uniting in addresses at every place, full of confidence in my government, and of a determination to forget their former disputes. Escorts of two and three hundred farmers on horseback at every place from township to township, with all the etceteras of guns, music, and flags. What is of more importance, my candidates everywhere taken for the ensuing elections; in short, such unanimity and confidence I never saw, and it augurs well for the future. Even the Toronto people, who have been spending the last six weeks in squabbling, were led, I suppose by the feeling shown in the rest of the province, into giving me a splendid reception, and took in good part a lecture I read them, telling them that they had better follow the good example of peace and renewed harmony which had been set them elsewhere, instead of making a piece of work about what they did not understand.

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“The fact is, that the truth of my original notion of the people and of this country is now confirmed. The mass only wanted the vigorous interference of a well-intentioned Government, strong enough to control both the extreme parties, and to proclaim wholesome truths, and act for the benefit of the country at large in defiance of ultras on either side.

“But, apart from all this political effect, I am delighted to have seen this part of the country; I mean the great district, nearly as large as Ireland, placed between the three lakes—Erie, Ontario, and Huron. You can conceive nothing finer! The most magnificent soil in the world—four feet of vegetable mould—a climate certainly the best in North America—the greater part of it admirably watered. In a word, there is land enough and capabilities enough for some millions of people, and for one of the finest provinces in the world; the most perfect contrast to that miserable strip of land along the St. Lawrence, called Lower Canada, which has given so much trouble.

“I shall fix the capital of the United Province in this one of course. Kingston will most probably be the place; but there is everything to be done there yet, to provide accommodation for the meeting of the Assembly in the spring.”

The addresses which he everywhere received expressed confidence in the new administration and renewed hope for the future. His replies were no mere permutations on formal platitudes, but were

LOWER CANADA LESS HOPEFUL

filled with vital principles and a vigorous handling of the chief issues before the country, adapted to local needs. His frank yet courtly manner, his shrewd appreciation and sympathetic treatment of the real needs of the people, and his magnetic personality quite captured the hearts and confidence of the people, who recognized in him an entirely new style of governor who dealt with Canadian problems from a new, popular, and firsthand point of view.

He was not so successful, however, with the people of Lower Canada, who, for various reasons, were less fortunately situated for taking an independent view of the problems of the country, and were more completely under the control of their former leaders. "Great efforts are made by some few of the old Leaders of the Papineau Party to mislead the people, and they are seconded in a most mischievous manner by Mr. Neilson of Quebec. But altho' they may be successful in imposing on the credulity and ignorance of the *habitants* so far as to obtain the return to the United Legislature of a small party of violent men opposed to British connection, I am satisfied that they will not again induce the Peasantry to support any attempt at disturbance."

CHAPTER XVII

CONSUMMATING THE UNION

LORD John Russell, in a despatch of July 24th, had announced to the governor-general that the royal assent had been given to the Union Bill, and asked him to prepare for the introduction of constitutional government according to that Act. The Union Act permitted for the first time in Canada, or indeed in any colony, a representative assembly to control the voting of supplies, while the executive government alone introduced money bills and was charged with the administration of the government, including the appointment of all officials. Hitherto "in many of our colonies these functions have been mixed or reversed, to the great injury of the public weal."

The passing of the Union Act also involved the issue of a new commission to the governor of the united province. As it was understood, however, that the governor's commission could not be issued before the appointment of the legislative and executive councils, Poulett Thomson was asked to send home nominations for these positions. Moreover, the governor's commission and the royal instructions which always accompanied it, would determine in many important respects the manner in which the powers conferred under the Union

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Act were to be exercised. But the forms of the governor's commission and the royal instructions had been but slightly altered since 1791, and as the home government was naturally not very familiar with local Canadian conditions, Poulett Thomson was invited to furnish suggestions for his own commission and instructions,—a unique mark of confidence evidently due to his former connection with the government. A new seal for the province was also reported to be in process of execution.

This juncture in the country's affairs and in the fortunes of the governor-general was naturally regarded as the fitting occasion on which to acknowledge the important and effective services which Poulett Thomson had already rendered in connection with the union of the Canadas and the re-establishment of colonial government upon a stable basis. Hence, before the issue of his new commission as governor-general, Poulett Thomson was elevated to the peerage with the title of Baron Sydenham of Sydenham in Kent and Toronto in Canada.

As already indicated, a few measures still remained to be brought before the Special Council before the consummation of the union. For the consideration of these Lord Sydenham, immediately after his return from the west, summoned, for the last time, the members of the Special Council. The most important measure to come before it was an ordinance for the establishment of

MUNICIPAL INSTITUTIONS

municipal institutions, though the governor-general had not expected to bring this before any legislative body in Canada. The draft bill for the union of the Canadas which he had sent to the colonial secretary contained full provision for a municipal system. The importance which Lord Sydenham attached to this feature of the Union Bill is thus vigorously expressed on learning that these clauses were in danger of being dropped, "No man in his senses would think for a moment of the Union without its being accompanied by some sort of Local Government, in which the people may control their own officers, and the executive at the same time obtain some influence in the country districts.

"Without a breakwater of this kind between the Central Government and the people, Government with an Assembly is impossible in Lower Canada, and most difficult in Upper Canada; and it is absurd to expect that any good system can or will be established by the Provincial Legislature, even if time admitted of its being proposed to them. No colonial legislature will divest itself of the great power it now possesses of parcelling out sums of money for every petty local job; and although by the Union Bill the initiative of money votes will be confined to the Government, this provision will become null, because the moment that the executive is called upon to provide for all these local expenses, with the details of which it cannot be

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acquainted, it must renounce the task, and leave it in the hands of the members themselves. A distinct principle must be laid down that *all* purely local expenses be borne by the localities themselves, settled and voted by them, and that only great works be paid for out of the provincial funds.

“Nor is it only with reference to the Canadas that it was all-important for Parliament itself to have laid down the principle and details of Local Government. Since I have been in these Provinces, I have become more and more satisfied that the capital cause of the misgovernment of them is to be found in the absence of Local Government, and the consequent exercise by the Assembly of powers wholly inappropriate to its functions. Members are everywhere chosen only with reference to the extent of job for their particular district which they can carry. Whoever happens to lead a party in the House of twelve or fourteen members, may at once obtain a majority for his political views by jobbing with other members for votes upon them, or, by rejecting their jobs as the penalty of refusal, oust them from their seats. This, indeed, is admitted by the best men of all parties, and especially of the popular side. But it is equally admitted that they cannot *of themselves* change the system. In both Nova Scotia and New Brunswick I was told that if Parliament laid down a system of Local Government for Canada, then it was likely that in these

MUNICIPAL CLAUSES DROPPED

Provinces too the Assembly would adopt it ; but, without that, it would be impossible to get it done. So, by this step, if Lord John has really been forced to take it, not only has all chance of the Union Bill working well been destroyed, but also the hope of a change of system throughout all the Provinces. Last year, if you remember, we made it a *sine qua non* to the Union ; indeed, our scheme was altogether based on it. The establishment of Municipal Government by Act of Parliament is as much a part of the intended scheme of Government for the Canadas as the union of the two Legislatures, and the more important of the two. All chance of good Government, in Lower Canada especially, depends on its immediate adoption."

But when the Union Bill came before the British parliament it was found that there were such strong objections to the municipal clauses in it that Lord John Russell considered it expedient to drop them rather than jeopardize the whole measure. In his despatch to Sydenham, September 14th, he declared that "nothing but a wish to prevent a division among those who supported the Union Bill, induced me to refrain from pressing the municipal clauses on the House of Commons." And in a later despatch, when he had received Lord Sydenham's remonstrances on the omission of the municipal clauses, he explained that, on the one hand, he could find no Canadian authority in support of them, while Peel and Stanley, though

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friendly enough to the general union measure, strongly opposed its municipal features, as did also Mr. Gillespie and others well acquainted with Canada. Lord Sydenham received formal instructions, however, to bring before the united legislature the question of municipal government, "in such form and manner as you shall judge most advisable for the attainment of an object to which Her Majesty's government attach the highest value."

Accordingly, Lord Sydenham took advantage of the closing session of the Special Council to introduce a general municipal system into Lower Canada, outside of the cities of Quebec and Montreal already provided for by special ordinances. This was accomplished through an "Ordinance to provide for the better internal Government of this Province by the establishment of Local and Municipal Authorities therein." Partly out of respect for the prejudices of those who balked at dangerous democratic innovations, and partly that the central government might hold the leading-strings while the infant municipal authorities learned to walk, the central government retained considerable control over the official appointments and financial obligations of the new municipalities. Lord Sydenham was strongly impressed with the necessity for thus providing numerous local schools for the training of the people in the elements of responsible government. Up to this stage, as he had

A MUNICIPAL SYSTEM

observed, the people had received no training in those habits of self-government which were so necessary in enabling them to properly choose their representatives in parliament; nor was there any opportunity furnished for testing at close range the talents and quality of candidates for seats in the legislature. Having little or no experience of the difficulties of government, the common people were inclined to blame the central authorities for all that went wrong in purely local affairs.

When we think of the pressure put upon the Dominion and provincial governments at the present time for the construction of local works, and the consequent temptation to the bribery of constituencies, we can understand what Lord Sydenham saved the country, when, for the combined provinces of Quebec and Ontario, he relieved the central government of responsibility and patronage in the case of the multifarious works and services which were devolved upon the district councils created under his comprehensive municipal system. The system was afterwards extended, with a few amendments, to Upper Canada, under an Act of the united legislature. An outline of the system will be given when we refer to the general municipal Act.

Another important measure dealt with at this last session of the Special Council, related to the establishment of offices for the registration of titles to land. This had been the occasion of almost as

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great debate in Lower Canada as the Clergy Reserves in Upper Canada. It had been the subject of much enquiring and reporting, and many bills had been introduced to deal with it. In the important report of 1828 the whole matter had been thoroughly gone into. It had been shown that a serious drawback to the province of Lower Canada was involved in the system of secret and implied mortgages—“*Hypotheques tacites et occultes*”—which rendered it almost impossible to be certain of a clear title to any lands which might be purchased. Ancient French laws and customs, born of a social system of rigid caste and changeless ownership, formed part of that “nationality” inherited at the conquest, which, in the struggle for the maintenance of French ascendancy after the Quebec Act, was to be rendered even more changeless than in the least progressive days before the French Revolution. The more complete the demonstration of its obstructive character, the more obstinately did the typical French-Canadian cling to it and anathematize the tyranny of those who would change, in other words anglicize, his institutions. Yet the commercial and progressive French-Canadians were prepared to welcome the change, once safely made. In the latter part of November, Lord Sydenham was able to report, “I have got a registry bill, ‘the ass’s bridge’ of the Province for the last twenty years, which meets with nearly universal assent from both French and English.

REGISTRY OF LAND TITLES

It will be law in a few days, and will be really a miracle." The range and purpose of the new ordinance are sufficiently indicated in the title and preamble:—

"An Ordinance to prescribe and regulate the Registering of Titles to Lands, Tenements and Hereditaments, Real or Immovable Estates, and of Charges and Incumbrances on the same; and for the Alteration and Improvement of the Law in certain Particulars in Relation to the Alienation and Hypothecation of Real Estates and the Rights and Interest acquired therein.

"WHEREAS great losses and evils have been experienced from secret and fraudulent conveyances of real estates, and incumbrances on the same, and from the uncertainty and insecurity of titles of lands in this province, to the manifest injury and occasional ruin of purchasers, creditors, and others; and whereas the registering of all titles to real or immovable estates, and of all charges and incumbrances on the same, would not only obviate these losses and evils for the future, but would also, with some alteration of the existing laws, whereby the removal of inconvenient and inexpedient restraints and burthens on the alienation of real estates might be effected, greatly promote the agricultural and commercial interests of this province, and advance its improvement and prosperity: etc."

There were altogether some thirty-two additional ordinances passed at this last session of the

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Special Council, relating to such important interests as highways, harbours and navigation, railways, regulations respecting aliens, the erection of gaols and the administration of justice. In consequence of these exacting legislative duties, which occupied the attention of the governor until February, 1841, the proclamation of the union, the organization of the new government, and the provision for the election of the first legislature for united Canada were unduly delayed, much to the chagrin of Lord Sydenham, who naturally desired as much time as possible to prepare his legislative programme.

The problem as to the seat of government had already been discussed by Lord Sydenham in a private and confidential despatch of May 22nd, 1840. There were five different places whose claims were canvassed, Quebec, Montreal, Kingston, Toronto and Bytown, now Ottawa. The latter was eliminated almost immediately, for, though remote from the frontier, it was also remote from the more settled portions of the country and afforded no suitable accommodation. From the point of view of immediate accommodation, Toronto and Quebec were naturally best equipped, but both were too far removed from the centre of the united province. Toronto, in addition, was incapable of defence and in winter shut off from regular communication with Britain. It had been urged, apparently by representatives of Quebec and Toronto, that the

THE SEAT OF GOVERNMENT

legislature might meet alternately in the two provinces, which was farcified into the proposition that the capital should be placed on a scow and towed around to the leading cities in rotation. The final choice lay between Montreal and Kingston. From the point of view of defence, Kingston was the safer ; as regards communication with Britain, Montreal was nearer in summer and Kingston in winter, via New York. Montreal was the larger and more important city, Kingston the more centrally located for the whole province. Judged from the existing requirements, their claims were about equally balanced, but having regard to the future development of the country, Kingston had undoubtedly the advantage. Moreover, Sydenham frankly confessed that he considered it desirable that the capital of the province and the sittings of the legislature should be removed from the presence of a large French population, and especially from the influence of a host of petty lawyers and doctors, such as filled the Montreal district and had already created trouble. On the other hand, it would be of advantage to the French-Canadian members to bring them into an English section of the province with a new social and political atmosphere. On the whole, therefore, he gave the preference to Kingston. Replying to his despatch on the subject, Lord John Russell quite approved of Sydenham's reasons for fixing upon Kingston. It was not, however, until the beginning of February,

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1841, that it became publicly known that Kingston was to be the capital of the united province.

By an Order-in-Council, dated August 10th, 1840, Lord Sydenham had been vested with authority to proclaim the union. Not, however, until February 5th, 1841, did he find it possible to issue his proclamation appointing February 10th as the date on which the union of the provinces should take effect. This date was chosen as the conjunction of several anniversaries; those, namely, of the marriage of the Queen, the Treaty of Paris, 1763, the giving of the royal assent to the Act suspending the constitution of Lower Canada, and the proroguing of the legislature of Upper Canada the previous year. Accordingly, on that date Lord Sydenham assumed the office of Captain-General and Governor-in-Chief of the United Province, according to the forms prescribed in his commission. At the same time, he issued a proclamation to the people of the united province with the object of impressing upon them the privileges and responsibilities which were conferred upon them, and the great future which was in store for the country should these opportunities be properly utilized. "In your hands now rests your own fate, and by the use which you will make of the opportunity must it be decided."

On February 15th Lord Sydenham issued a proclamation summoning the parliament of United Canada to meet at Kingston. The election writs

THE EXECUTIVE COUNCIL

were returnable on April 8th, and he hoped to assemble the parliament on May 26th, when the water routes, the chief highways of the country, would be open. The date of opening the legislature was afterwards postponed to June 14th. He had already nominated as members of the executive council the principal officers of the late provincial governments; namely, Messrs. R. B. Sullivan, J. H. Dunn, D. Daly, S. B. Harrison, C. R. Ogden, W. R. Draper, R. Baldwin, and C. D. Day. The only appointments to office, however, were Mr. Daly, the late provincial secretary of Lower Canada, and Mr. Harrison, late civil secretary of Upper Canada, to be secretaries for the united province; and Mr. Dunn, late receiver-general of Upper Canada, to be receiver-general of the united province. These appointments were indispensable to the carrying on of the business of the country.

As has been already indicated, the frankly avowed object of the Union Act was, without infringing upon the personal rights or religious convictions of the French-Canadians, to do away with the eternal conflict for racial supremacy by insuring to the country a British future as regards its national institutions and imperial connection. In order to accomplish this, it was necessary to equalize the power of the two races in such a way that, under representative institutions and responsible government, there would be a reasonable assurance of a British majority in the legis-

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lature. That did not imply that party divisions would necessarily follow racial lines ; indeed it was fully expected that this would prevent such a result, and this soon proved to be the case. It was well known that any possible form of settlement would be, for a time, unpalatable to the French-Canadians. Even the least objectionable of all, and the most hopeful for the future—that involved in the union policy—was certain to give occasion to the demagogues to stir the liveliest apprehension of the ignorant masses of the people as to the inevitable oppression and loss of civil and religious liberty which were to follow the consummation of the union. The general body of the French-Canadians knew nothing of how Lord Sydenham had defended their rights, as against the extreme demands of the ultra-loyal element in the Upper Province, and to a certain extent in the Lower Province as well, or the criticisms he had received in consequence. Hence it was easy to persuade them, as was industriously done, that he was their avowed enemy and oppressor ; as the promoter of the union measure he was the author of all the apprehended evils which were to flow from it.

As Lord Sydenham had feared, confirmation of the popular opinion of the governor was drawn from the fixing of the electoral limits of Quebec and Montreal. In order to give the important British mercantile element an opportunity for representation amid an encircling majority of

QUEBEC AND MONTREAL SEATS

French-Canadians, portions of the suburbs of these cities were thrown in with the adjoining counties. What, however, gave this an especially sinister look in the eyes of the French-Canadians, was the fact that, mainly on the representation of Sir Robert Peel, then leader of the Opposition in the British parliament, these seats were given two representatives each. Lord Sydenham immediately recognized how this would be interpreted, and thus referred to the awkward position in which it placed him :—

“ I had suggested that one Member should be given to each of the cities of Quebec and Montreal, and under proper regulation and without any great appearance of injustice the probability is that a member really representing the Commercial Interest might have been returned in this way for each City. In consequence, however, of the representations of different Canadian Merchants in London, H. M. Government and Parliament deemed it expedient to allot two Members to each of these Cities, the consequence of which is, that if the limits of the two places are not restricted in a way which may be represented to be extremely unjust with regard to the number of voters to be retained for the nomination of so many as four Members, the object which I had in view, and which Parliament, in ignorance of the real state of the case, sought to carry still farther, namely, the return of such representatives, will

be entirely defeated, and the Mercantile Interest of Quebec and Montreal will have no more voice in the choice of their members than they would in the nomination of any of the Members for the French counties. This is highly embarrassing, and another proof, if one were wanting, of the danger of meddling with details when the parties doing so are imperfectly informed of the facts. After mature consideration, however, I have determined to carry out what I consider to have been the views of Parliament and, at whatever risk of outcry or accusation, to make such an apportionment of the limits of these two cities, by excluding the whole or the greater part of their suburbs, as shall effectually secure to the trading community the power of returning the representatives of their choice, not looking indeed to Politics, or to race, but to a commercial representation such as was sought by Sir Robert Peel in his proposal for giving a nomination to the Chambers of Commerce. Your Lordship, however, may expect that this course will be objected to by the French-Canadian population and some of their supporters, and probably the objections may find advocates in Parliament in England. It is, therefore, my duty to state to you the necessity which compels me to adopt it, and I trust that a sufficient answer will be given in case I am attacked for it."

CHAPTER XVIII

ELECTION AND OPENING OF THE FIRST UNITED PARLIAMENT

IN both provinces, where there was the prospect of anything like a close contest, it was quite evident that there was to be an exceedingly vigorous election campaign. There had been no election in Lower Canada since the outbreak of the rebellion, and the last election in Upper Canada was regarded as having been carried by the Compact and Orange elements, with the assistance of Lieutenant-Governor Head, in such a manner as to prevent the legitimate expression of the popular will. The great issues of the stability of the union, the dominance of race, and the future of responsible government were all dependent on the outcome of the elections.

The attitude of the most responsible and influential element among the French-Canadians towards the Union Act and the government to be formed under it, is given in an address by the "Quebec Committee" to the electors throughout the province. This was published in the *Quebec Gazette*, of February 22nd, Mr. Neilson, the editor and proprietor, being one of the chief members of the committee. The keynote of the address is given in the following paragraph with

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reference to the practical duty of the electors: "No consideration whatever should induce us to vote for any candidate who does not disapprove of that Act and its iniquitous provisions; for, in voting for such a candidate, we would give our consent to the Act, and approve of those who have advised it. We should proclaim our own dishonour and dishonour our country in stretching forth the neck to the yoke which is attempted to be placed upon us, till it be repealed or amended, so that the injustice which it authorizes shall cease."

It was everywhere admitted that this attitude and these principles dominated the French-Canadian elections. All things considered, the attitude was perfectly natural, but it involved at least this plain fact, that the government could make no terms with the French-Canadian members until, through experience of the working of the Union Act and of the attitude of the government towards their interests as citizens of a united Canada, they had modified their views and abandoned their pledges of absolute opposition. Thanks to Lord Sydenham's policy and the appreciation of the more enlightened French-Canadians, it was possible for his successor, Sir Charles Bagot, to make the first practical move towards incorporating in his ministry leading French-Canadians who could command a respectable following of their fellow-members. It might have been possible for Lord Sydenham to win over individual members of the

A PASSING NECESSITY

French-Canadian party, but in doing so he would have captured, not a section of an army, but a few isolated deserters. He had himself offered to Messrs. Roy and Marchand seats in the legislative council, on the sole condition that they should attend during the session of the legislature and not treat the appointment as a merely honorary one; but they declined. Time and experience alone could deal with that problem, hence the criticism of Lord Sydenham's government, as lacking a representative French-Canadian element, was quite beside the mark. The fault was neither his nor that of the body of the French-Canadians; it was a passing necessity of a stage in national development. But that the necessity was a passing one, may fairly be placed to the credit of the policy which Lord Sydenham inaugurated and which rendered possible the action of his successors.

An interesting side-light on the preparation for the elections in the Upper Province is shed by a private letter from Robert Baldwin to Lord Sydenham. After referring to the chances for the election of Mr. Dunn and himself, he says, speaking in the third person: "Mr. Baldwin has just transmitted to Mr. Murdoch, for His Excellency's information, a list of names of persons whom he has been led to believe would make good returning officers in some of the counties, and also the names of places where the elections could be most conveniently held. The materials for this list were

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collected chiefly when Mr. Baldwin was on the circuit. As to the persons, he endeavoured to ascertain that they were men of reasonable intelligence, personal respectability, and not of violent temperament. As to the places, he endeavoured to ascertain that they were as conveniently situated as possible for all, or at least the greater number, of the electors, but, above all, that they were as far as possible removed from the neighbourhood of any Orange clique. He has in some instances mentioned the names of persons and places which were represented to him as peculiarly ineligible." These precautions, however, did not secure the avoidance of riot and even bloodshed at several of the elections in Upper Canada, particularly in and around Toronto, where the ultra-loyal and ultra-Protestant element conceived it to be at once their privilege and their duty to employ violence in support of British institutions and in opposition to a government too strongly tainted with French-Canadian sympathies and responsible government radicalism. Yet this was the same government against which a solid French-Canadian opposition was being successfully organized in Lower Canada, because of its supposed leanings towards Orangism and ultra-British sympathies.

We cannot refer in detail to the many objectionable and regrettable episodes which characterized the elections in a number of constituencies, especially in the districts around Montreal and Toronto.

ELECTION RESULTS

Responsibility for the riotous conduct was pretty evenly divided between the rival interests, but wherever violence was used in favour of a candidate favourable to the union policy or responsible government, it was of course attributed directly to the government, and even to the governor himself. Thus did Lord Sydenham immediately experience one of the chief difficulties which of necessity attached to the double function of governor and prime minister.

The election returns were known early in April, and the results were thus summed up in a letter from Mr. Murdoch, the civil secretary:—"Government members, 24; French members, 20; moderate Reformers, 20; ultra-Reformers, 5; Compact party, 7; doubtful, 6." Considering the issues on which they were elected, the French members, at first at any rate, could be safely counted upon to oppose without question every measure brought forward by the government. On most essential matters the majority of the moderate Reformers would support the government, while the ultra-Reformers and the Compact party would oppose it. On other issues, however, many votes would depend upon the particular question before the House. The government seemed fairly sure of a good working majority. But considering the whole past history of Canadian representative bodies, the most difficult task before Lord Sydenham would be to maintain a united administration on all

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essential government questions. The opposition to the government might, on occasion, prove very formidable ; for parties of the most incompatible views, such as the French-Canadians, the Compact party, and the ultra-Reformers, might enthusiastically unite in opposition to the government, and might even out-vote it, without the slightest possibility of forming another administration to take its place.

The members of the legislature were finally summoned to meet at Kingston on June 14th, 1841. Postponement of the date previously fixed was due partly to the state of the governor's health, he having been prostrated by a particularly severe attack of gout, and partly in order to permit agricultural operations to be sufficiently advanced to allow the country members to attend. Lord Sydenham thus describes to the colonial secretary the preparations made for the accommodation of the legislature :—

“In pursuance of what I had the honour of stating upon a former occasion, I decided on calling the first Parliament at Kingston and of placing the seat of Government there. Upon investigation I found that I could obtain without difficulty the necessary accommodation both for the Legislature and the Government Offices, of a temporary nature, but still affording more convenience at less cost than if I had fixed upon either Montreal or Toronto. The Hospital which was recently erected,

LOCATING THE GOVERNMENT

but has remained unoccupied, will, with slight alterations, afford better accommodation for the meeting of the Legislature than even at Toronto. I have hired a new range of buildings which was destined for warehouses and can be easily finished for their new purposes as Govt. Offices, for all the different Departments of the Government, and they will be far superior in convenience to any that are to be found in any of the Three Cities of the Province. I have hired a house for the Residence of the Governor-General, which with some additions will answer the purpose, and altho' the different Officers of the Government will be obliged to submit to inconveniences for a time, I have no doubt that accommodation can be provided. The expense will not be very considerable and will be defrayed from the balance of the Crown Revenues which I have transferred, upon the declaration of the Union, to the Military chest, to answer the claims upon it for various services."

The building used for the accommodation of the legislature is once more the main structure of the Kingston hospital. The government offices referred to, a row of low stone buildings on Ontario Street erected by the Marine Railway Company, are now devoted to much humbler uses. The house selected for the governor's residence, a plain but comfortable stone mansion with ample grounds, beautifully situated on the lakeshore on the western border of the city, was erected and at the time owned

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by Baron Grant, and is still known as "Alwington."

Just before the opening of the legislature, Mr. Robert Baldwin, who had been solicitor-general for Upper Canada since the close of the session of 1840, and who had held a similar position as a member of the government since the proclamation of the union, suddenly proposed to Lord Sydenham, within a couple of days of the opening of the legislature, that he should entirely recast his government and replace some of the most important members by a combination of French-Canadians and ultra-Reformers. From the point of view of elementary political wisdom, in the face of so delicate a situation as then confronted the governor, the proposal was preposterous and would undoubtedly have been so treated by Mr. Baldwin himself when at a later date he had to frame and lead a ministry. To Lord Sydenham, Mr. Baldwin's action naturally appeared more or less treacherous; and yet Mr. Baldwin was evidently actuated by honourable sentiments, if not guided by practical wisdom.

His attitude may be more readily understood after reading the seemingly naive, and yet remarkably able and adroit letter of Mr. Morin to Mr. Hincks, written between the elections and the assembling of parliament. Notwithstanding the utter hostility to the union, and the consistent repudiation of responsible government by Mr.

THE BALDWIN INCIDENT

Neilson, whom Mr. Morin acknowledges to be the leader of the French-Canadians and to possess their entire confidence, Mr. Morin, with his charmingly innocent and almost affectionate manner to which his own thorough goodness of heart lent an air of perfect sincerity, laboured to prove that the French-Canadians and the Reformers of Upper Canada were natural allies and desired practically the same objects. If, therefore, they united together they could command the situation—an opinion which there was no disputing. He announced also that he himself and a number of others were going up, a few days in advance of the opening of the House, to confer with representative Reformers with a view to effecting a combination. It was with these men that Mr. Baldwin had been negotiating, and that they had completely captured him is indicated by the proposition which he placed before Lord Sydenham on the eve of the opening of the House. As it turned out, both Morin and Baldwin were entirely mistaken in their estimate of the situation. Mr. Neilson, and not Mr. Morin, proved to be the true prophet of the political attitude of the French-Canadians in the first session of the legislature. It is true that as the session progressed the more enlightened French-Canadians, of whom Mr. Morin himself was a conspicuous example, were often found voting in opposition to the general body of their fellow-countrymen, but the majority, with

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Mr. Neilson as their leader, steadily opposed all Liberal measures.

Owing to the position which he had taken at the opening of the session, Mr. Baldwin himself was constrained to oppose some of the most liberal measures of the government, such as the introduction of a comprehensive municipal system, the extension of the main highways of Upper Canada, the reform of the usury laws, etc. On the other hand, it was due to Mr. Hincks and the general body of the Reformers that these important measures were passed. Mr. Hincks has told us in his *Reminiscences* that he, in common with Mr. Baldwin and many other Reformers, firmly believed, before coming into close touch with the general body of the French-Canadian party, that it was possible to form a combination of Reformers from Upper and Lower Canada which would command a majority in the House and compel the governor-general, in accordance with his avowed principles of responsible government, to frame an administration which would command their confidence. He found, however, as the result of practical experience, that it was quite impossible, at that time, to unite in one Reform party the majority of the French-Canadian representatives who followed Mr. Neilson and the Reformers from Upper Canada. In his own words, published in his paper the *Examiner* later in the session:—

HINCKS'S STATEMENT

“ We found, moreover, when we came to act in parliament with men, the great majority of whom we had never met before, that we could not act as a party man with several gentlemen who must be considered active leaders of the Lower Canadian Reformers. There is no individual in the House of Assembly for whom, as a private individual, we entertain a more sincere respect than the venerable and kind-hearted member for the County of Quebec, Mr. Neilson; but as a politician, we have found ourselves almost invariably opposed to his views. We have been an attentive reader of the *Gazette* for several years, and our subscribers must be well aware that its principles are entirely dissimilar from those advocated in the columns of the *Examiner*. Mr. Aylwin is another prominent leader of the same party, and with this gentleman we hold no views in common. Lower Canada politics are indeed a mystery to us. In some instances the contrasts are most singular. The Liberals of Lower Canada send us Messrs. Neilson, Aylwin, Berthelot, and Burnett as Reformers, while the Tories send us Messrs. Sol.-Gen'l Day, Black, Duncombe, Holmes and Simpson.—Without in the least degree adopting the opinions of the latter gentlemen, we hesitate not to say that they are many degrees more liberal than the former.”

Under these conditions Mr. Hincks's position was perfectly plain.

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“ The formation of a new Ministry on the declared principle of acting in concert with the united Reform party having failed, all parties were compelled to look to the measures of administration, and we can now declare that, previous to the Session of Parliament, *our opinion was given repeatedly and decidedly*, that in the event of failure in obtaining such administration as would be entirely satisfactory, the policy of the Reform party was to give to the existing administration such a support as would enable it to carry out liberal measures which we had no doubt would be brought forward. We have adhered to that opinion. We consider that it would have been political suicide, because we were thwarted in our own views, to aid the Tories in embarrassing an administration disposed to carry out Reform measures, although not so fast as we could desire.”

As to the extreme action taken by Mr. Baldwin, he has this to say, in the same article: “ We are now warranted in saying that a large majority of the party desired that Mr. Baldwin should have remained in the council, and that he should only have abandoned it in case he found that other influence preponderated over his own.”

Mr. Baldwin’s influence with his party had been very great, and on any reasonably defensible issue his defection would have been a serious blow to the government; but in this case, in resigning from the government on such an issue and adopt-

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ing an attitude of extreme opposition, he lost for a time the sympathy of the general body of the Reformers, who preferred the much sounder policy of Mr. Hincks, the other great leader of the Reform element and a man at once of sounder constitutional principles and of more far-sighted political wisdom, if not of so interesting a personality.

The governor-general thoroughly appreciated Mr. Baldwin's valuable qualities and his great influence with the Reformers. As his despatches show, he sympathized with his general principles, though not with his reckless haste for their extreme realization. He had gladly taken advantage of the first opportunity to bring Mr. Baldwin into the government and had done his utmost to meet his personal scruples, as when he took upon himself the responsibility of modifying in his case the oath of office prescribed in the Union Act; he therefore felt the more aggrieved when Mr. Baldwin attempted to break up the government on the eve of a most critical session.

CHAPTER XIX

RESPONSIBLE GOVERNMENT IN PRACTICE

THE first weeks of the new legislature were very naturally devoted to experimental tactics on the part of the various groups which composed the House, with a view to testing the strength and sympathies of the different parties and the possible combinations which might be effected. The House of Assembly contained many able men with strong views and considerable capacity for expressing them. As a result, during the first weeks of the session there was a great flow of parliamentary oratory of a fairly high order, though somewhat sharp in tone and bitter in flavour. Once, however, the more strenuous members of the House had sufficiently utilized the safety-valve of speech, and the various groups had oriented themselves, and especially when it was realized that the government was to have a good working majority, the "do-nothing-but-talk session," as the *Kingston Chronicle* styled it, began to get down to the serious business of legislation.

Many interesting analyses of the general political situation appeared shortly after the opening of the session ; but the most concise and penetrating, and that which was most completely justified by subsequent events, was made by Lord Sydenham him-

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self, as given in a confidential despatch to Lord John Russell, and which may be given in full as it deals with the Baldwin incident as well.

“I have already transmitted to your Lordship copies of the Speeches with which I opened the United Parliament of Canada on the 15th instant, and of the answer which I received from both Houses.

“A few days previous to the meeting of the Legislature the appearance of affairs was not promising for the harmony of the first proceedings of the House of Assembly, nor was I at all surprised that such should have been the case. The people of Upper and Lower Canada respectively, are nearly, if not quite, as unacquainted with the habits and feelings of each other, with the political history and with the character and opinions of the more prominent public men of the division which was not their own, as they would be if they were separated by the Atlantic. It is indeed difficult to believe the extent to which this want of knowledge prevails, even amongst persons of good general acquirements and education, but the fact admits of no doubt. I was therefore perfectly prepared to expect that considerable misunderstanding and embarrassment would arise at first, which could only be removed by time affording the means of arriving on each side at a more correct judgment of the real views of either party.

“I have so frequently alluded to the state of public feeling in both Provinces, that it is unneces-

CANADIAN PARTIES

sary to describe it at any length. Party, according to our English sense, can scarcely be said to exist, and the English Party names though adopted here do not in the slightest degree describe the opinions of those who assume them or to whom they are assigned. They therefore serve only to delude.

“The composition of the House of Assembly is not a bad representation of the feelings of the Province.

“The Members returned from Lower Canada may be divided into two Classes, the Canadians and the British, not that either is exclusively composed of one or the other, but from the principles on which they were returned, which, like everything in that Province, was one of distinction of race. Thus, tho’ a person of English origin might be chosen by a purely French-Canadian constituency, it was because he avowed the most violent exclusively French-Canadian principles and was opposed to the Union, and a person of French origin, assisted by the British, received that assistance because he expressed sentiments favourable to British connection, and to the anglification of the Provinces. The Canadian Party, however, must again be subdivided. It contains a number of those who formerly sat in the House of Assembly, and advocated all the most violent measures under Mr. Papineau’s guidance; but it contains also others who are not desirous of having those scenes renewed, and will undoubtedly become moderate

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and useful members of the Legislature. Until, however, the question of the Union was disposed of, they would remain united with the others. The other Party which I have called the British, and which consists of nearly one-half the representation allotted to Lower Canada, are Gentlemen of both British and French origin, but returned as I have stated above, and have warmly at heart the interest and improvement of the Country.

“ In Upper Canada, the representation may be thus classed. There are very few members, not more than two or three, who may be supposed to represent what is called the ‘Compact.’ There are a considerable number of Persons who, altho’ formerly not altogether unconnected with that party, have enlarged their views and are most anxious for a Government conducted on a liberal and less confined basis. There are a large Body of men called Reformers who sincerely and anxiously desire to see practical improvements carried on, and there are a very few classed under the same name, whose views I cannot pretend to define, but whose object seems to be agitation.

“ This is the real character of the House, and was well known to me to be so, but it is that which could only become apparent to the Public or to the Members themselves, after its assembling. The delusive nature of the party nicknames, borrowed from England, which I have before referred to, and falsely applied by the Press, gave to it a differ-

REFORMERS AND REFORMERS

ent appearance which nothing but the test of action and the communication of real opinions, could remove.

“ The extreme party in Upper Canada, to which I have last adverted, though numerically so insignificant, being the most active, attempted, a few days before the meeting, to assume the lead and act in the name of the larger body of their Colleagues, who were known like themselves under the designation of ‘Reformers,’ and then (either being themselves deluded, or at all events deluding others into a belief that the French-Canadian Party were Reformers too; whilst all those Gentlemen from Lower Canada who had been returned on British feeling were designated by them as enemies to popular rights) endeavoured to effect a junction between the great Body of Upper Canadian Members and the Canadian Party of the Lower Province, a combination which would have proved most formidable to the good Government of the Country and have rendered all my efforts unavailing, for a time at least.

“ It is needless to say that such a combination could not have stood the test of any long time, for there is really nothing in common between the parties. The Canadians are opposed to the Union—care nothing about the responsible Government which the Upper Canadians are so thankful for having had conceded to them to the intent of your Lordship’s Despatch. They want no improvements

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—wish to incur no farther debt—in short have no principle in common, but the ignorance of each other's real sentiments rendered it not improbable that the manœuvre might for the moment succeed, and in that case the effect upon public opinion in England, caused by a stormy opening of the Session, might have been very disastrous.

“This was rendered still more probable by the circumstance of my Solicitor-General for Upper Canada, Mr. Baldwin, altho' a Member of the Government, using his best endeavours to promote it. Acting upon some principle of conduct, which I can reconcile neither with honour or common sense, he strove to bring about this Union, and at last having, as he thought, effected it, coolly proposed to me, on the day before Parliament was to meet, to break up the Government altogether, dismiss several of his Colleagues and replace them by men whom I believe he had not known for twenty-four hours, but who are most of them thoroughly well known in Lower Canada (without going back to darker times) as the principal opponents to every measure for the improvement of that Province which has been passed by me, and as the most uncompromising enemies to the whole of my administration of affairs there.

“I had been made aware of this Gentleman's proceedings for two or three days, and certainly could hardly bring myself to tolerate them, but in my great anxiety to avoid if possible any disturb-

BALDWIN'S MISTAKE

ance, I had delayed taking any step. Upon receiving, however, from himself this extraordinary demand, I at once treated it, joined to his previous conduct, as a resignation of his office, and informed him that I accepted it without the least regret.

“ I transmit to your Lordship a copy of Mr. Baldwin’s letter, and of my answer, in reply to which I received his formal resignation. I gave him full power to publish not only these documents, but the whole of any correspondence he has ever had with me, of which permission he has not thought proper to avail himself, and I do not therefore trouble you with anything beyond these two letters.

“ Parliament accordingly assembled on the following day with Mr. Baldwin no longer a Member of my Council, and the correctness of the view which I had taken of the real state of parties and of the course which would be followed by them, has been most amply and satisfactorily confirmed.

“ No Union whatever has taken place between the parties designated as the ‘ Reformers ’ of Upper and Lower Canada. The whole Body of Upper Canada Members with the exception of two or three extremes on either side, have given me their best and most active support. Mr. Baldwin has only been able to carry with him into opposition three or four from the whole of that part of the Province, and obtains the support of the Canadian Party from the Lower Province only. This, too, he

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has been enabled to acquire (as a whole) only by making or supporting motions entirely, in their sense, against the Union Act, and as the question is now disposed of, by the debate on the address, that portion of this party which I have described as not desirous to perpetuate agitation will undoubtedly separate and lend their assistance to the Administration. As it is, even with the whole of the party united, the divisions in the debate on the Address have been two to one, or even in a still greater proportion.

“I therefore now entertain no doubt that the problem which I have felt, in common with your Lordship, so anxious to work out, will be practically solved. The Assembly acting in perfect harmony with the Executive, will, I confidently expect, occupy itself seriously and steadily upon the measures which will be submitted to it by me, or be devised by the Members themselves, and the Session will proceed usefully, peacefully, and in a manner to inspire confidence in England, and afford just grounds to the Imperial Parliament for rendering that assistance to the Province which Her Majesty’s Government has pledged itself to propose, and for which the people of Canada feel deeply grateful.

“There may be some feeling displayed respecting the Civil List as settled in England, but I do not anticipate any serious difficulty on that score.”

RESPONSIBLE OPPOSITION

Incidental to this experimental stage of the session was the question as to how far the governor proposed to go in rendering the government responsible to the majority of the legislature, as tested by the resignation of the ministry should it suffer defeat on a government measure, or on a direct vote of want of confidence. Lord Sydenham very fully realized that this question could not be safely settled in the first stages of the session—perhaps not in the first parliament. He had to deal with a body of men who had no experience of responsible government in practical operation. In Britain, or in later days in Canada, the opposition would not wantonly defeat a government where it had no possible chance of taking office and maintaining itself in power, for the indispensable correlative of a responsible government is a responsible opposition. Moreover, by well established custom, the outcome of long practical experience, a government does not accept defeat on all adverse votes. There was not as yet, however, any accepted custom in Canada, nor any opposition which seriously sought to come into power. Mr. Neilson led the only coherent opposition, the object of which, so far from being to come into power, was to destroy the constitution altogether and thus break up the union. By a combination of forces, much more antagonistic to each other on constitutional matters than to the government in power, it might have been possible, as was actually

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the case on a few minor issues, to secure a majority against the government. For the government to have resigned on such an adverse vote would have been to insure not the working of responsible government but its complete frustration in its initial stages. Until, therefore, Lord Sydenham had fully tested the strength of the government majority and its cohesion under a variety of attacks, cunningly devised for purely destructive purposes, he was not prepared to state categorically whether the government must resign or not in consequence of an adverse vote. At the same time he freely admitted that the executive must govern in accordance with the well-recognized wishes of the majority.

At a later stage of the session, when the House had gained some experience of the new parliamentary methods and when Lord Sydenham had realized that the government majority was sufficiently stable, he frankly admitted, subject only to imperial connection, the principle of domestic responsibility as expressed in the following resolutions moved by Mr. Harrison, leader of the government in the House of Assembly.

“1. That the head of the Executive Government of the Province being, within the limits of his Government, the representative of the Sovereign, is responsible to the Imperial authority alone; but that nevertheless the management of our local affairs can only be conducted by him,

A SATISFACTORY DECLARATION

by and with the assistance, counsel, and information of subordinate officers in the Province.

“2. That in order to preserve between the different branches of the Provincial Parliament that harmony which is essential to the peace, welfare, and good government of the Province, the chief advisers of the representative of the Sovereign, constituting a provincial Administration under him, ought to be men possessed of the confidence of the representatives of the people; thus affording a guarantee that the well-understood wishes and interests of the people, which our gracious Sovereign has declared shall be the rule of the Provincial Government, will on all occasions be faithfully represented and advocated.

“3. That the people of this Province have, moreover, a right to expect from such Provincial Administration the exertion of their best endeavour that the Imperial authority, within its constitutional limits, shall be exercised in the manner most consistent with their well-understood wishes and interests.”

This declaration of policy was naturally regarded as quite satisfactory and as establishing at once, rule by majority, responsible government, and the necessity for harmony between the British and Canadian governments, not by the Canadian government accepting subordination to British policy as a matter of necessity, but as a matter of mutual arrangement and compromise. Know-

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ing only the outward stages by which this declaration of policy had been reached, it was perhaps not unnatural for a number at that time, or even since, to have held that Lord Sydenham did not really subscribe to these principles, but simply accepted what was forced upon him by others. Now, however, that we have access to his confidential despatches, several of which have been freely quoted in this volume, it is plain that these resolutions embodied not only the principles, but even the language which Lord Sydenham had steadily set forth from the time that he had carefully appreciated the political situation in Canada. Lord Sydenham's successor, Sir Charles Bagot, fully comprehended Lord Sydenham's views and statements on this subject, having the advantage of Lord Sydenham's secretary, Mr. Murdoch, as the interpreter of his policy. Lord Metcalfe, however, who succeeded Sir Charles Bagot, recurring to the rigid logic of British supremacy while acknowledging that Lord Sydenham's administration so obviously involved responsible government that he could not believe Lord Sydenham unaware of the fact, yet considered him in reality opposed to it. Lord Metcalfe thus expressed his view of Lord Sydenham's policy in a despatch to Lord Stanley:—

“In adopting the very form and practice of the Home Government, by which the principal Ministers of the Crown form a Cabinet, acknowledged

LORD METCALFE'S ASSUMPTION

by the nation as the executive administration, and themselves acknowledging responsibility to Parliament, he rendered it inevitable that the Council here should obtain and ascribe to themselves, in at least some degree, the character of a Cabinet of Ministers. If Lord Sydenham did not intend this, he was more mistaken than from his known ability one would suppose to be possible; and if he did intend it, he, with his eyes open, carried into practice that very theory of Responsible Colonial Government which he had pronounced his opinion decidedly against."

That Lord Sydenham pronounced his opinion decidedly against such responsible government is nowhere proved from his own statements. What Lord Metcalfe assumed was that such responsible government could not co-exist with British connection and the responsibility of the Canadian governor to the home government; but this is exactly what Lord Sydenham claimed could be maintained in practice and what he himself considered his chief service to have both introduced and maintained. It was this same principle which Lord Elgin was to re-establish, after Lord Metcalfe's somewhat reactionary but very instructive policy, though with a division, by that time made possible, of the chief functions of the governor and the prime minister. It is this same principle which, gradually expanding with the enlarging interests of the country, has been maintained from

that day to this; though there have not been wanting various reactionary movements discovering anew Lord Metcalfe's conviction that such an imperial connection is unworkable, and that we must, like him, revert to some form of the system discarded by Lord Sydenham.

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CHAPTER XX

LEADING GOVERNMENT MEASURES

WE may now glance at some of the leading measures of a very crowded and important session, and over the head of which Lord Sydenham introduced and rendered more or less familiar the system of a responsible and coherent cabinet. In his Speech from the Throne Lord Sydenham naturally dealt with the most difficult question facing the government, the financial condition of the country. In several despatches he had already referred to the deplorable financial condition in which Canada found itself, owing partly to bad management and partly to political difficulties, which, on the one hand, were emphasized by a commercial crisis which was continental in its range, and which in turn was rendered still more severe by the political condition of the country. The result was that after spending large sums, relatively to the resources of the country, on public works, chiefly canals, they had been suspended in an unfinished condition owing to the collapse of provincial credit.

Through the employment which they gave in summer to newly-arrived settlers, the public works had been an indispensable means of tiding needy immigrants over the first year or two in

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Canada. During the winters they were able to build their houses and make sufficient clearing on their bush farms to furnish them with food until further improvements brought them larger returns. The closing of the public works, therefore, involving the loss of markets for both produce and labour, checked immigration, while political and economic despair encouraged emigration to the middle western states, then opening to settlement and promising prosperity and political freedom. To rehabilitate the colonial finances was obviously as immediately essential to returning confidence in the country's future as the establishment of political freedom and self-government.

Financial difficulties as between the two provinces constituted one of the natural results of the division of Canada in 1791. In Lower Canada was situated the most favoured portion of the St. Lawrence route, the national highway of both provinces. Holding the gateway for practically all of the imports and exports of both provinces, Lower Canadian officials sat at the receipt of customs, and her great merchants commanded large profits on both the outward and inward trade of the country. The French-Canadians had long been accustomed, by natural thrift and a prohibitive trade policy, to live upon their local resources, and had little or no experience of civil taxation. As a province, Lower Canada had ample revenues and moderate expenditures. In Upper Canada, however, the national

FINANCIAL CONDITIONS

highway was beset by colossal obstructions, to be surmounted only by expensive public works. There also, in proportion to the population, was the terminus of the greater part of the imports and the origin of a large share of the export trade which supported the revenue and mercantile profits of Lower Canada; hence the perennial controversy between the two provinces as to the division of the customs revenue. Meanwhile, Upper Canada found itself burdened with large expenditures and enjoying a small revenue. To remedy the unequal distribution of expenditure and revenue, as between the two provinces, was one of the purposes of the union measure; while to frustrate its accomplishment, under the representation of preventing the burden of Upper Canada from falling upon Lower Canada, was one of the chief incentives against the union in the latter province.

In a despatch to the colonial secretary, dated March 11th, 1840, Lord Sydenham had summarized the financial conditions of the two provinces. Their outstanding obligations were classified under the following heads:—(1) for expenditures of a general nature, (2) for public works, (3) for advances to private corporations, (4) for public works where the interest is a charge upon local taxation. In Lower Canada the only debt came under the second head, advances having been made to the extent of £50,000, and authorized to the extent of £45,000 more. In Upper Canada the

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debt under the first head was about £62,000, being chiefly for war losses in 1812. The amount advanced in Upper Canada under the second head was £704,000, with a further sum of £200,000 for interest on previous loans. The public works referred to under this head were chiefly the Welland and St. Lawrence Canals, which accounted for £817,000. The Rideau Canal had been built and paid for by the British government as a military work. The amount under the third head, chiefly expended on minor public works, with the interest due, was about £36,000, for which securities were held against the companies. The advances under the fourth head were chiefly for central macadamized roads, and amounted to £210,000. The local districts, in accordance with an Act of the legislature, were liable for the interest on this sum. In a later despatch of June 27th, 1840, it was shown that the credit of Upper Canada was so low that it could not borrow £63,000 at less than eight or nine per cent., and could not sell five per cent. debentures for more than seventy-five or eighty. With its present revenue the annual deficit of the province was estimated at £28,735. Even the revenue of the united province would barely meet the expenditure. "Your Lordship will thus at once perceive that assistance will be required from the mother country to place the finances of the United Province in a satisfactory condition; and that the aid which I was authorized to promise in order to

A GUARANTEED LOAN

obtain the assent of the Upper Canada Legislature to the measure, if necessary, must hereafter be afforded." He was pleased that it had not been necessary to make use of the promised assistance in order to carry the union measure, though the people of Upper Canada looked to the union and the assistance of the home government to enable them to restore their financial equilibrium. He considered that the assistance of the imperial government would be absolutely necessary when he came to place the finances of the united province on a sound basis, and he knew of no better way in which that assistance could be afforded than by means of the original proposition to guarantee a Canadian loan. This would relieve the province of a high rate of interest on the existing debt and facilitate the raising of sufficient capital to complete the indispensable public works.

After further correspondence on the subject, just before the opening of the session, Lord John Russell sent a despatch to Lord Sydenham outlining the policy of the home government in relation to Canada, and part of this was made the basis of Lord Sydenham's Speech from the Throne in opening the legislature. In this despatch the debt of the united province was placed at £1,226,000. With the sum needed to complete the public works for establishing a free communication between the provinces, the total amount required would be £1,500,000. The home government, he

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says, agree with Lord Sydenham as to the expediency of employing the credit of England for the support of the Canadian finances. It would hardly do, however, to force, by Act of Parliament, those already holding Canadian securities to give up their contracts, but the home government agrees to guarantee a loan for the completion of the public works as proposed, and also for the payment of such part of the debt as is now due, or as the creditors may be induced to accept. In accordance with this arrangement Lord Sydenham was enabled to promise, in his speech at the opening of the legislature, that Her Majesty's government "will propose to Parliament, by affording the guarantee of the Imperial Treasury for a loan to the extent of no less than a million and a half sterling, to aid the province, for the double purpose of diminishing the pressure of the interest on the public debt, and of enabling it to proceed with those great public undertakings whose progress during the last few years has been arrested by the financial difficulties."

Closely connected with the subject of public works, as we have seen, was that of immigration, in which Lord Sydenham took a deep interest and on which much correspondence had passed between himself and the home government. That he held very sound views on this important subject, the following brief extract from his many papers on emigration will indicate.

WISE AND UNWISE EMIGRATION

“I have sent home a long Report on Emigration; which some of you won’t like because it tells the truth, and declares that to throw starving and diseased paupers under the rock at Quebec ought to be punishable as *murder*. Send me out good English peasants who know what *work* is; give them the means of getting up the country six or seven hundred miles where it is to be had; and I will take as many as you can get, and promise them *independence*. Or give me some yeomen with a few hundred pounds each, and let them take prudent *advice*—*buy cleared farms*—*not* throw themselves into the bush, where they are as helpless as they would be in the Sahara Desert; and I will secure them comfort and perfect independence at the end of a couple of years—but not *money*. *That* is a thing never to be mentioned. Pigs, pork, flour, potatoes, horses to ride, cows to milk; but you must eat all your produce, for devil a purchaser will you find. However, the man’s chief wants are supplied, and those of his family; he has no rent or taxes to pay, and he ought to be satisfied. But send me no Irish paupers; nor young gentlemen with £500 or £600, who fancy that upon that they may be idle, and are hardly used because they cannot get an income of £200 or £300 a year in return for it. The Province absolutely teems with people of this character—lawyers, broken down merchants, clerks, soldiers—who have come out here to farm; lost their money through their ignorance of the

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business; or have been unable to brook plenty without civilized life's enjoyments—the lot of those who succeed best; and all these are applicants for places, of which there is one perhaps to one hundred candidates. So you see competition is nearly as rife here as in the mother country."

On this point also Lord John Russell thoroughly agreed with Lord Sydenham. As he admitted, "It is a hardship to Canada that she should be obliged to maintain the pauper emigrants from the United Kingdom who arrive in a state of destitution and disease." Assistance for poor but suitable immigrants was formerly provided by an immigrant tax, and this, Lord John Russell thought, should be re-established by the Canadian legislature. He would favour a tax of five shillings per head, to be paid by the home government instead of by the ship captains as formerly. But there should be an agent in Britain to certify to the fitness of the emigrants, and only those who held certificates would have their tax paid by the home government. In his Speech from the Throne, therefore, Lord Sydenham was able to couple with the promised British guarantee for a Canadian loan, the assurance of improved prospects for desirable immigrants, and a promise of a money grant from the British parliament "to assist in facilitating the passage of the immigrant from the port at which he is landed to the place where his labour may be made available."

LOCAL SELF-GOVERNMENT

As has been already indicated, the measure before the legislature to which Lord Sydenham attached the greatest importance was the bill for the establishment of local self-government, and which was substantially the same as the ordinance for that purpose passed by the Special Council of Lower Canada. This measure was opposed by the Conservatives as a dangerous concession to republican principles and institutions, while the French-Canadians opposed it as a typical British invasion of their cherished national system, and as a means of causing the people of the parishes to pay for what they were previously accustomed to extract from the central government. Mr. Baldwin and a few of the ultra-Reformers who had allied themselves with the opposition, found it convenient to base their antagonism to the bill on the ground that it did not go far enough and at one stroke pass to the limit of local democracy. It was on this measure, and in the face of such tactics, that Mr. Hincks definitely broke for a time with Mr. Baldwin. Hincks fully recognized that Baldwin's attitude, in such a house and at such a stage of development, meant the wrecking of any measure in favour of local self-government, and the indefinite postponement of that most desirable object. He therefore used his influence with the moderate Reformers in favour of the measure, and undoubtedly was largely instrumental in its being successfully passed. It was this Act which estab-

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lished for Canada our general municipal system, and which made it possible for Mr. Baldwin himself, eight years later, to develop it a step further by giving more authority to the councils over their executive officers.

The chief features of the District Councils Act were, that the province was divided into incorporated municipal districts whose powers were to be exercised by a warden appointed by the governor and a body of councillors elected by the rate-payers of the townships. The clerk was selected by the council and the treasurer appointed by the governor. The public works provided for by the council were to come under the supervision of a duly qualified surveyor of the district, appointed by the warden and approved by the governor. As at present, limitations were placed upon the financial powers of the council, and the system of assessment and taxation was provided for by a provincial Act. The by-laws of the council were subject to disallowance by the governor within thirty days of their submission. As at present also, the charter granted by a special Act to any incorporated city or town was not affected by the general municipal Act. The District Councils took over the powers and functions of the old Courts of Quarter Sessions composed of the officially appointed magistrates for the districts, and which exercised such limited municipal functions as were permitted under the older system.

THE DISTRICT COUNCILS ACTS

In a despatch of August 28th, Lord Sydenham reported the successful passing of the measure and made the following among other comments. "The Bill as proposed by the Government met with serious opposition during its passage through the House of Assembly. Those who are opposed to any extension of popular power objected to it on that ground, those who are in favour of extreme popular concessions opposed it on account of the checks which it imposed on the abuse of this power, and many others were hostile to it secretly, though not avowedly, on the ground so justly stated by Lord Durham, that it took away from the House of Assembly one of its chief privileges, that of jobbing by its members for personal or local advantage. Nothing indeed but the circumstance of my having already established these institutions in Lower Canada by the authority of the Special Council could have secured the passage of the Bill for the rest of the Province, and it is to that alone that I owe the success of the measure, as well as the still more gratifying fact that it has now become the law of Upper Canada upon exactly the same conditions as in the other Province, and without the alteration of a single provision, so far as they could be made applicable to the more advanced state of society here."

In this same despatch he reports but one other of the great measures to which he had devoted special attention as still to be dealt with,—the great public

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works for the improvement of the province. His chief care was that, whatever works were undertaken, sufficient provision should be made for defraying the cost, so as to preserve the credit of the province. "I have accordingly transmitted to the House of Assembly a message upon the subject, together with the report from the president of the board of works, by which I have placed before Parliament and the country the best information I possess as to the works which are likely to prove most advantageous and a scheme for defraying the cost." In this message and the report accompanying it was presented a comprehensive plan of public works for improving provincial transportation, extending from the Bay of Chaleurs to Lake Huron. It provided for the completion of the Welland and St. Lawrence Canals, the deepening of the St. Lawrence below Montreal, the opening of the Richelieu by the Chambly Canal, establishing connections between the lakes on the Trent Canal system, erecting a port and lighthouses on Lake Erie, constructing timber slides on the Ottawa, and the establishment and improvement of central highways from Quebec to Sarnia, as well as in various other directions in both provinces. The total cost was estimated at £1,470,000 sterling. It was not intended, however, to undertake all these improvements at once, though it was desirable to have a comprehensive plan for the future.

A PROVINCIAL BANK

In dealing with the financial aspect of this programme he introduced a feature to which he attached special importance. "A very considerable amount of the capital required might be raised, without any charge whatever for interest, by the assumption by the province of the issue of paper payable on demand, which is now enjoyed by private banks or by individuals, without their being subjected to any charge whatever in return for the power thus granted to them by the state." This was the introduction to Lord Sydenham's plan for a reconstruction of the Canadian banking system, and the establishment of a provincial bank of issue. Though it was a measure open to discussion on quite independent grounds, it was introduced by him as an integral part of the general plan for rehabilitating the provincial finances and providing for the much-needed public works.

Lord Sydenham's plan for a bank of issue had been worked out in connection with English conditions, and was the fruit of his labours on the bank committee in the British House. Its essential features were afterwards embodied in Sir Robert Peel's Bank Act which is still the basis of the Bank of England. The central feature was that the government should resume and retain the exclusive right to issue paper money payable on demand. The advantage to the government would be precisely that now obtained, so far as it goes, by the issue of Dominion notes; namely, a free loan of the

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difference between the amount of notes outstanding and the amount of bullion held in reserve for their redemption. This reserve Lord Sydenham placed at twenty-five per cent., so that approximately the advantage to the government would be a free loan of seventy-five per cent. of its note issue, less the cost of management. The government notes were to be issued through the chartered banks, much as at present, in return for bullion or approved securities. An allowance for a limited time was to be made to the existing banks as partial compensation for the loss of their own note issue.

The chief difficulty in the way of such a measure at that time was that the banks depended much more than at present upon their note issue as a means of making their loans and discounts. Under present conditions deposits largely offset discounts, while the note issue is much smaller and more uniform in volume. The seasonal fluctuation in discounts — a very important matter in 1841 — greatly affected the expansion and contraction of the note issue. The banks enjoyed the privilege of issuing notes considerably in excess of their paid-up capital; thus, with full control of their own note issue, they were able to expand and contract their loans quite freely. But, if their notes were to be obtained from the government bank only, in return for specie or public securities, the need for a rapid expansion could scarcely be met in a country with

A PREMATURE SYSTEM

so little reserve capital. Contraction, on the other hand, would leave the banks with a large amount of expensive government notes on hand, or the equivalent in bullion or low interest bearing securities, and with little opportunity for temporary investment such as was readily to be had in England. The same conditions would require the government to keep on hand a much larger amount of bullion than Lord Sydenham had estimated, and would materially curtail the advantage to the government from its note issue. In fact, under the conditions of Canadian trade and banking at that time, Lord Sydenham's measure would have meant a very considerable addition to the expense of Canadian domestic exchange, with the inevitable curtailment of legitimate business, and without corresponding gain to the provincial treasury. That the Canadian banking system was not above reproach was evident from the all but universal suspension of specie payment by the Canadian banks during the financial crisis which preceded Lord Sydenham's arrival. And yet the freedom which the banks enjoyed of expanding and contracting their note issue, to suit the demands of trade, was one of the most important economic factors in the Canadian machinery of exchange, and consequently very essential to Canadian prosperity and expansion. Thus, though absolutely sound in theory, Lord Sydenham's scheme was scarcely suited to Canadian conditions in 1841.

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The general principles embodied in Lord Sydenham's plan were accepted by Mr. Hincks, Mr. W. H. Merritt, and other Liberals, but failed to command a majority in the House, owing to the conjunction of the usual opposition with a number of representatives connected with the mercantile and banking interests who found their privileges threatened. Some thirty years later, it fell to the lot of Mr. Hincks, then Sir Francis Hincks, to incorporate the central feature of Lord Sydenham's bank of issue into our financial system, in the shape of the government issue of Dominion notes accompanied by a partial restriction of bank note issue.

It is not possible even to enumerate here the unusual number of important measures which were passed during the first session of the legislature, and in so many of which Lord Sydenham took a very special interest.

CHAPTER XXI

THE CLOSE OF A SESSION AND A LIFE

ONE of the most important functions which Lord Sydenham had to perform, partly in consequence of the union of the provinces and partly in consequence of the new system of responsible government which was being introduced, was the reorganization of the government departments. On July 18th he reported to Lord John Russell the reorganization which he had effected, making as few changes as possible consistently with the securing of efficient service, and the requirement that the heads of executive departments should have seats in the legislature. Thus, as already stated, he had appointed Messrs. S. B. Harrison and D. Daly as joint secretaries for the province, the former for the west and the latter for the east.

“To these gentlemen will be entrusted the conduct of the whole internal management of the Province, which at one time belonged to the Provincial Secretaries of Upper and Lower Canada respectively, but which for many years past had been absorbed by the personal, or as he was termed the ‘Civil’ Secretary of the Lieutenant-Governors. It is evident that the officer who is, and always must be, the confidential servant of the Governor, and whose tenure of office should therefore terminate

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with the Governor's, can never on his first arrival, and scarcely indeed at any time, possess that intimate local knowledge which is necessary to carry on a correspondence of this nature. This difficulty will be met by appointing two gentlemen, residents in the Province, and the tenures of whose offices will not end with the Governor but be on the same footing as any other officer in the Province.

"To the Personal Secretary of the Governor, whom I should propose to call the Private Secretary, will be entrusted the duty of assisting the Governor in the conduct of the correspondence with the Secretary of State, the Lieutenant-Governors, the British Minister at Washington and all Foreign Authorities or Individuals, as well as such general questions as pertain to both Provinces. This officer, as I have stated, being the confidential Servant of the Governor, must change with him."

Mr. R. G. Tucker was appointed provincial registrar, to attend to "matters of registry, affixing the great seal, and recording instruments." Mr. J. H. Dunn was retained as receiver-general, but his functions and responsibilities were to be curtailed and an improved system of inspection and audit of public moneys introduced.

"I have not yet been able to select a gentleman to fill permanently the important office of Inspector-General of Public Accounts. It will be necessary that that officer should be a member

THE FIRST MINISTER OF FINANCE

of the House of Assembly, and that he should be a man not only well acquainted with accounts and competent to superintend the routine business of his office, but also capable of proposing the principal financial arrangements from time to time necessary, and of explaining and vindicating those arrangements in the House of Assembly." To this position, now known as minister of finance, it was generally understood Lord Sydenham had intended to appoint Mr. Hincks, of whose financial ability he had formed a very high opinion, and justly so, as his subsequent career was to demonstrate. Mr. Hincks was already making a well-deserved reputation as chairman of the select committee on currency and banking. Lord Sydenham's reputed intention was carried out shortly afterwards by his successor, Sir Charles Bagot. When this change should be accomplished, Mr. Carey, who was then inspector-general, would become the deputy of the department. The position of commissioner of Crown lands was filled by Mr. Davidson, who had held a similar position in Lower Canada. For the position of surveyor-general, Lord Sydenham had selected Mr. Parke, member of the assembly for the county of Middlesex and a strong Reformer. The Board of Works which had been established in Lower Canada by an ordinance of the Special Council, was extended to the whole province by one of Lord Sydenham's special measures, and Mr. Killaly was continued as president.

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“In the Executive Council I have made considerable changes. Your Lordship is aware that a very large portion of the business of that body has consisted in advising the Governor on applications or claims for land and cases of that description, or in reporting on the accounts of several public offices or Departments. I have for these services constituted a committee to be presided over by a President, to whom a salary of £1000 a year should be assigned, and I have conferred that appointment on the Hon. R. B. Sullivan, who was for several years presiding councillor of the Executive Council of Upper Canada. Mr. Sullivan, having also for some time held the office of Commissioner of Crown Lands in that Province, is peculiarly fitted for this situation.

“I have appointed to the Executive Council no one but the principal officers of the Government, who are responsible both to the Governor and the public for their Acts, and to them I continue the small salary of £100 a year which they have received since the first institution of that body in Canada.”

Colonel Fitzgibbon was appointed clerk of the legislative council, and Mr. W. B. Lindsay to the same position in the assembly, with Mr. F. S. Jarvis as usher of the black rod, and Mr. G. C. Chisholm as sergeant-at-arms.

“By these arrangements the business of the Province will, I feel satisfied, be efficiently as well

A RESPONSIBLE CABINET

as economically performed, and above all, that responsibility, of the want of which I took occasion early to state the evil consequences, will be established in the different departments.

“ For the satisfactory conduct of public affairs, it has appeared to me absolutely necessary, that, on the one hand, the Governor should be able to rely upon the zeal and attention of the Heads of Departments, not merely to act under his immediate directions upon every minute point, but also to feel themselves really responsible for the conduct of their different offices—and on the other, that by their being members of one or other House of Parliament, the public should possess a wholesome control over their acts, and a security should be obtained for the general administration of affairs being in accordance with the wishes of the Legislature.

“ At present all the Heads of Departments are members of the Assembly with the exception of the President of the Committee of Council, who is in the Legislative Council.

“ The four law-officers, the two Secretaries, the Receiver-General, the President of the Board of Works, and the Inspector-General, whom I propose shortly to appoint, will also be of that body. In future I should not consider it absolutely necessary that all these offices should be thus held, but at the same time it will in my opinion be desirable that a considerable proportion should be thus filled,

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and if the gentlemen who may hold them cannot obtain seats there, they must give place to those who can."

Though Lord Sydenham was continually occupied with the internal problems of Canada and the other British North American colonies, yet he had frequently to deal with many scarcely less important matters affecting the relations of Canada with the United States and the mother country. He conducted an extensive correspondence with reference to the disputed territory on the Maine boundary. This problem had reached a very critical stage owing to the extension of settlement into the region in dispute, and Lord Sydenham had occasion for all his decision of character and diplomatic tact in bringing this thorny question to a stage which made possible the settlement arrived at by Lord Ashburton the following year. He had also to take part in the negotiations for an extradition treaty with the United States, the draft of which was prepared while he was in office. This, too, was incorporated in the Ashburton Treaty.

Trade relations between the colonies and the mother country also occupied his attention, and here his experience as president of the Board of Trade was of great value. As might be inferred from his policy in that office, his influence was used in favour of giving to the Canadian parliament a freer hand and more initiative in dealing with Canadian commercial interests, subject only

EXHAUSTED STRENGTH

to the maintenance of a policy in harmony with that of the mother country. This latter was amply provided for, as he maintained, by the imperial right to disallow objectionable colonial measures.

When we remember that Lord Sydenham's constitution was far from robust and that he was subject to periodic attacks of gout, we can understand how severely he had been taxing his strength by his constant application to the exceptionally important duties of his office at this critical stage in Canadian history. The rapidity with which he passed from one great problem to another left him no time in which to recuperate his strength. As a natural consequence, just before the opening of the first session of the united legislature, he was prostrated by an unusually severe attack which for a time threatened his life and compelled him to postpone for a week or two the opening of the session. Writing on May 25th, he says: "At last I can write to you with my own hand. . . . I was ill in bed, and utterly unable either to write or dictate. Not gout merely, but fever, and horrible prostration both of mind and body. In fact I have been done by the work and the climate united, and God knows whether I shall see the other side of the Atlantic again!" Though he recovered sufficiently to permit him to take up with irrepressible determination and activity the problems in which he was so completely absorbed, yet it was plain that he would not be able to stand the strain much

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longer. On learning of his severe illness Lord John Russell, writing on July 6th, expressed great concern and gave him authority to return to Britain, as soon as the exigencies of the public service would permit, on leave of absence for six months. Before this reached him, however, Lord Sydenham found it necessary, on July 21st, to send in his formal resignation, to take effect as soon as the session was over. In a private letter to Lord John Russell he says: "I shall of course stay here till everything to be done this session is well through and I have been enabled after its close to do what is required in setting any new laws or institutions in operation. Nothing, therefore, can now prevent or mar the most complete success, and Canada must henceforward go on well, unless it is most terribly mismanaged."

As the session wore on and he saw his great plans for bringing order out of chaos in Canada coming to a triumphant realization, his spirits rose in spite of his physical ailments. In his private letters to intimate friends he exhibits almost a boyish jubilation of spirit over his great success, where almost everyone familiar with the deep-rooted and far-reaching difficulties which at first confronted him were inclined to despair of a permanent solution. On August 28th, writing to his brother, he says: "My success has been triumphant, more so than I ever expected or had ventured to hope. I shall leave, I trust, a field which my

HIS WORK FINISHED

successor, whoever he be, cannot mismanage. With a most difficult opening, almost a minority, with passions at boiling heat, and prejudices such as I never saw, to contend with, I have brought the Assembly by degrees into perfect order, ready to follow wherever I may lead; have carried all my measures, avoided or beaten off all disputed topics, and have got a ministry with an avowed and recognized majority, capable of doing what they think right, and not to be upset by my successor." Referring to the work of the session he continues: "I have now accomplished all I set much value on; for whether the rest be done now or some sessions hence, matters little. The five great works I aimed at have been got through: the establishment of a board of works with ample powers; the admission of aliens; a new system of county courts; the regulation of the public lands ceded by the Crown under the Union Act; and lastly, this District Council Bill." Then, as he felt the pressure of his strenuous existence for the past two years relaxing, he realized something of the joy of successful struggle. "The worst of it is that I am afraid I shall never be good for quiet purposes hereafter; for I actually breathe, eat, drink, and sleep on nothing but government and politics, and my day is a lost one when I do not find that I have advanced some of these objects materially. That, in fact, is the secret of my success. The people know that I am ready at all hours and times to do busi-

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ness, and that what I have once undertaken I will carry through ; so they follow my star."

On August 18th Lord John Russell replied to his letter containing his resignation. The letter closes thus: "I avail myself of the opportunity of this day's mail to inform your Lordship that the Queen has been pleased to accept your resignation. Her Majesty has further commanded me to express to your Lordship her intention to confer on you the Order of the Grand Cross of the Bath, as a proof of Her Majesty's gracious appreciation of your services."

By the end of August he felt that his labours were nearly over. In a private letter to Lord John Russell, on the 28th of that month, the day on which Lord John and the Melbourne ministry went out of office, he closes as follows: "The parliament will, I hope, be in a state to prorogue in a fortnight or three weeks at farthest, and then it will take me nearly as much longer to wind up, as I am determined to leave nothing unsettled which I can do. But at the end of that time, the middle of October, I trust that I shall hear the guns pealing from the rock of Quebec; and a most delightful sound it will be to me." But that sound he was destined never to hear and a longer and deeper rest awaited him than that beyond the sea. A few days after writing this letter, on September 4th, he was thrown from his horse, which stumbled while

LAST LETTERS

ascending a slight hill near his residence. His right leg was broken and badly lacerated. For a time it was thought that he might recover, but his constitution was too much impaired to withstand the strain. He still insisted, however, on devoting personal attention to the arrangements for the closing of the session and the subsequent continuation of the executive work of the government.

On September 11th he sent his last official and private letters to Lord John Russell. They were in acknowledgment of the letters accepting his resignation and announcing the additional honour conferred upon him. In the official despatch he says: "I have to request your Lordship to lay at the foot of the throne, the expression of my feelings of deep gratitude to the Queen for the signification of Her Majesty's approval of my humble services, and my thanks for the distinguished mark of favour which it is Her Majesty's intention to confer upon me." In the private letter he writes: "I am much obliged to you for the red riband, and a great deal more for the kind manner in which you recommended it." The official despatch continues: "The business before the parliament is almost entirely completed, and I expect to prorogue both Houses on Wednesday next, the 15th instant, thus bringing to a close a session which, for the importance of the measures adopted as well as its general effect,

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affords me matter for the greatest satisfaction." He then refers to his accident, but still with the hope of returning to Britain that autumn. A few days later he developed alarming symptoms and it was deemed expedient to arrange for the closing of the session by a deputy. General Clitherow, the senior military officer in Kingston, was chosen to officiate at the closing duties of the session, which took place on the eighteenth.

Inflammation, aggravated by gout and ending ultimately in lockjaw, afflicted the dying governor with increasing spasms of torture. Yet in the intervals of his sufferings he continued, with characteristic fortitude, to devote himself to his duties, public and private. Within forty-eight hours of his death he completed the speech with which he had expected to close the legislature. In this last message to the Canadian people, through their representatives, made public after his death, he expressed the spirit which had animated the whole course of his administration. He closed thus:—

"While I cannot look back on the two last years without feelings of the deepest emotion, my anticipations for the future are full of hope and confidence. In the manner in which the present session has been conducted, and in the results which it has produced, I feel the fullest assurance that the anxiety of the Queen and the Imperial Parliament for the welfare of Canada will not be disappointed,—that the constitution which they

A PARTING COUNSEL FOR CANADA

have bestowed upon this country will be productive of peace, of happiness, and prosperity. To me it must ever be a source of the highest gratification that in the accomplishment of these great measures I have been permitted to bear a part. It now remains for you to carry out in your homes the good work you have so well begun ; to obliterate past dissensions; to co-operate in giving effect to the new institutions ; and to inculcate that spirit of enterprise and contentment which is essential to the well-being of a community.

“May Almighty God prosper your labours, and pour down upon this province all those blessings which in my heart I am desirous that it should enjoy.”

Referring in his last moments to his friend and fellow-minister, Lord John Russell, who, as colonial secretary, had given him such whole-hearted encouragement and support, he said, “He was the noblest man it was ever my good fortune to know.”

On Saturday evening he enquired if the legislature were prorogued, and on learning that it was, he said, “Then all is right.” As the peaceful Sunday morning of September 19th broke into the sufferer’s room he was released from his agony. His death sealed the first session of the parliament of United Canada, and occurred exactly one year and eleven months from the day on which at Quebec he first set foot on Canadian soil.

When Lord Sydenham found that his life’s work

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must close in Canada, he desired that here, too, his body should remain. It was accordingly arranged that he should be buried in a vault beneath the central aisle of St. George's Cathedral, Kingston. There, on September 4th, with the military accompaniments of a garrison city, and all the funeral pomp pertaining to his rank and official position, the body of Lord Sydenham was laid to rest. Among the clergymen who took the chief part in the services were the Venerable Archdeacon Stuart, brother of the chief-justice on whom Lord Sydenham so often relied, and the Rev. Richard Cartwright, then assistant minister of St. George's. Reflecting on the brief but crowded career of the governor and the sad circumstances of his death, many of those who were present on the occasion were deeply affected by the stately yet pathetic ceremony, which, as was said at the time, left "an impression which, even in future years, will never be forgotten." Even nature furnished an appropriate setting; for it was one of those mystically beautiful Canadian autumn days, when the soft haze and subdued sunlight, shorn of its heating rays, infuse receptive minds with a subtle and prophetic melancholy, which is apt to reveal for a moment the present and future in the face of the great historic scroll of time, whereon appear only the things that matter, while the pettiness of life, its personal bitterness and the eager grasp of selfishness, vanish, self-devoured.

CHAPTER XXII

SUMMARY AND CONCLUSION

THE close of the first session of the united legislature, which coincided with Lord Sydenham's death, permitted the people of Canada for the first time since his arrival, indeed, for the first time since the political crisis which here and there had flamed into actual rebellion, to take stock of their situation, to realize what they had escaped, and to appreciate in some measure the new future which was opening out before them. In the veritable revolution which had been accomplished, Lord Durham and Lord Sydenham were naturally the chief figures. The Report of Lord Durham had furnished an analysis of the accumulated evils which beset the country. The clear and rapid insight of Lord Sydenham not only realized the truth of the analysis but completed it in many essential details, while his experienced statesmanship grappled with the task of effecting the actual revolution in colonial policy and constitutional practice, which was indispensable to the political and economic salvation of the country.

The result of the reflection which followed Lord Sydenham's death was greatly to enhance his reputation. The great services which he had rendered the country were frankly acknowledged in

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many quarters where, during at least the first half of his administration, he had met with bitter opposition or carping criticism. Of the scores of tributes paid to his personal qualities and political achievements, we may make selection from those of two representative Canadians, who, while deeply interested in the welfare of the country and closely in touch with all that transpired, were not personally immersed in the practical politics of the province. The first is taken from a letter of Dr. Egerton Ryerson, printed in the *Christian Guardian* :—

“It is not easy to determine which is the most worthy of admiration, the comprehensiveness and grandeur of Lord Sydenham’s plans, the skill with which he overcame the obstacles that opposed their accomplishment, or the quenchless ardour and ceaseless industry with which he pursued them. To lay the foundations of public liberty, and, at the same time, to strengthen the prerogative—to promote vast public improvements, and not increase the public burdens—to provide a comprehensive system of education upon Christian principles, without interference with religious scruples—to promote the influence and security of the government by teaching the people to govern themselves—to destroy party faction by promoting the general good—to invest a bankrupt country with both credit and resources, are conceptions and achievements which render Lord Sydenham the first benefactor of Canada, and place him in the

CANADIAN TRIBUTES

first rank of statesmen. His Lordship found a country divided, he left it united ; he found it prostrate and paralytic, he left it erect and vigorous ; he found it mantled with despair, he left it blooming with hope. Lord Sydenham has done more in two years to strengthen and consolidate British power in Canada by his matchless industry and truly liberal conservative policy, than had been done during the ten previous years by the increase of a standing army and the erection of military fortifications. His Lordship has solved the difficult problem, that a people may be colonists and yet be free ; and, in the solution of that problem, he has gained a triumph less imposing but not less sublime, and scarcely less important, than the victory of Waterloo ; he has saved millions to England, and secured the affections of Canada.

“To lay the foundation of a government adapted to the social state and character of a population thus depressed, divided, and subdivided ; to provide for it the efficient administration of all its departments ; to create mutual confidence, and induce united action among leading men of all parties, without sacrifice of principle on the part of any, was a task difficult and hazardous to the last degree, and for even attempting which Lord Sydenham has been frequently ridiculed by persons of reputed knowledge and experience.”

The second extract is from an article by Joseph Howe in his paper the *Nova Scotian* :—

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"In order to understand the value of the service which Lord Sydenham has rendered to Her Majesty and to British America, it is necessary to recall for a moment the state of things which his Lordship had to encounter. Did he succeed to political inheritance, so wisely husbanded, and so fairly established, that even bad management could scarcely lessen its value or disturb the security of the possession? Did he take the helm of state when the vessel was tight and sound, with perfect instruments, a fair wind, a clear sky, and a crew well disciplined and well disposed? Was not the estate wasted by years of bad management, until the tenants were at war with the landlord or with each other, and even the title of the property was dragged into angry controversy? Was not the ship tempest tossed, shattered, and almost unseaworthy with ignorant vacillation or eccentric severity on deck and mutiny below, without an instrument that could be relied upon, or a blue spot in the heavens to admit of an observation? The state of Canada when Lord Sydenham assumed the government might well have appalled any man not desirous to wreck his reputation. A long course of maladministration, or, rather, of administration often well meant but based upon no principle which the people could understand or respect, had prepared the way for open insurrection, and aroused foreign interference in both provinces, to be followed by the suspension of the constitution and the establish-

REALIZED DURHAM'S IDEAS

ment of despotism in one, and in the other by a state of things which, perhaps, was a great deal worse; the forms of civil government being retained, but affording rather shelter from which a fragment of the population might insult and annoy the remainder than any real protection to the people. Lord Durham's mission, although of immense value, because it laid bare the real causes which convulsed Canada and shadowed forth the remedies, had been so brief, so disastrous, so unproductive of practical results within the country itself, that, however invaluable that volume in which the experience and principle of his Lordship and his able coadjutors was embodied might have been—and no man estimates the Report more highly than we do—still, until reduced to practice, it was but a book, a theory, the value of which the enemies of colonial freedom might altogether deny, and which its fondest admirers might well be excused for doubting until experience had demonstrated the applicability of the new principles to the exigencies of colonial society. The task of consummating the union which Lord Durham had pronounced to be indispensable, of grappling with those evils which he had fully exposed, and of applying the principles of representative government indicated in his Report, devolved upon Lord Sydenham; and it is rare that a statesman so firm, so sagacious and indefatigable follows in the wake of a projector so bold."

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Some of the most important of Lord Sydenham's despatches, so far as published by the British government, did not appear in Canada until after his death. From these it was frequently learned for the first time what a broad and statesmanlike view he constantly took of Canadian affairs, and how on several occasions he remonstrated against amendments and interferences on the part of the British parliament, especially in matters which affected the French-Canadians, but for the practical consequences of which their leaders constantly held him responsible. It is true that in practically all matters of an administrative character, where the decision lay with the colonial office, Lord John Russell manifested the most complete confidence in Lord Sydenham's judgment, gave him a singularly free hand, and uncompromisingly defended his policy in parliament. Yet there were measures such as the Clergy Reserves Act and the Union Act itself, which were required to run the whole gauntlet of parliament, including the House of Lords. With the narrow and precarious majority which the government commanded, it was sometimes impossible to prevent the introduction of certain features and the omission of others which were contrary to the recommendations of Lord Sydenham, and which aggravated the difficulties of his administration in Canada. That these variations were not more numerous or more troublesome, was undoubtedly due to the wisdom and moderation of Sir Robert Peel, leader

STATESMANLIKE DESPATCHES

of the Opposition in the Commons. Within a couple of years the compliment was returned by Lord John Russell when, as leader of the Opposition, he sheltered from criticism Sydenham's successor, Sir Charles Bagot, in continuing to follow out a Canadian line of policy.

The impression produced by some of Lord Sydenham's despatches which were made public after his death, may be gathered from the following extracts from an editorial in the Kingston *Chronicle and Gazette*, a paper representative of the old Tory ideals and opposed at the outset to the governor's programme of reform:—

“ If any testimony were wanting to prove Lord Sydenham’s great talents for governing, or to stamp the seal of certainty upon the consummate ability which he exhibited in declaring and defending his policy, it is amply afforded by the despatch to Lord John Russell which we publish in this day’s *Chronicle*. It is, beyond comparison, the most able despatch which has ever yet emanated from a Canadian governor. Those even who do not approve of the new system of municipal government, or others who approve with timid fears and uncertain faith, cannot fail to be strongly impressed with the fearless sincerity with which Lord Sydenham presses forward in his great work, turning neither to the right hand nor to the left; and no one can read the paragraph beginning with—‘Owing to this, duties the most unfit’ etc.—without admitting the comprehensive

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grasp of observation which, like the glance of the eagle, surveys the whole field, yet detects the minutest object of interest." The despatch here referred to was that in which Lord Sydenham remonstrated at the changes which had been made in the Union Act during its passage through the British parliament, and which Lord John Russell in reply declared his inability to prevent.

Lord Sydenham's remarkable success in Canada was undoubtedly due to the singular fitness of his personal qualities, training and experience for the exceptional task which was required of him at so critical a stage in Canadian history. He came to Canada with a wide knowledge of men and affairs. While no visionary, he was a courageous reformer, a sane and practical radical. His courage, his sanity, and his progressiveness are abundantly evidenced by the fact that, while many of the reforms which he advocated in Britain were regarded as ruinous or absurd, all were accomplished within the next thirty years. So also the radical changes which he introduced into Canadian constitutional practice and administrative government, and for which he was so bitterly denounced by his ablest Canadian critics, are now regarded as the very palladium of our liberties and the inspiration of our national life.

He was well aware, on his departure from Britain, that he had no light task before him in Canada; yet it was only in the course of his first successful efforts to grapple with the Canadian problems that

CONDITIONS OF SUCCESS

he realized how much greater the difficulties were than he had imagined. However, he had come to Canada expecting to find here or nowhere an adequate field for the realization of his ambitions for further success in the public service. Moreover, his ties with Britain were, for the time, completely broken. His political enemies had taken much pleasure in burning his bridges behind him, and only in Canada could they be rebuilt. A man of less varied resources and self-reliance might have succumbed to the infection of despair which saturated the country. So completely, however, did Lord Sydenham throw himself into the task before him, so sure was he of the potential greatness of the country's future, that no diagnosis of the past or present could damp his ardour or shake his faith in the successful outcome of his efforts. Indeed, the very thoroughness and accuracy of his analysis of the existing condition of the country enabled him to determine with confidence what must be the remedy and how it must be applied. The very difficulties which the Canadian problems presented and his successes in meeting them, account for the fascination which Canada had for him and the enthusiasm with which he devoted his every faculty to her service.

Lord Sydenham saw the necessity for inducing the people to forego the bitter antagonisms of the past, for rousing them from the sullen deadlock in which they held each other paralyzed, and in which,

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not the spirit of political partyism, but of deadly feud had engendered a malevolent contest on the part of the opposing factions to forego the realization of their own ideals if only they could prevent their opponents from making progress in theirs. But, to draw the people of Canada out of their narrow antagonisms, they must be made to feel direct responsibility for their own destiny. They must no longer be merely fault-finding spectators of attempts to govern their provinces by a power from without, or an oligarchy from within. They must be invited to attack their own problems, taking only counsel, not commands, from without, thereby learning wisdom and caution from their failures, and acquiring hope and inspiration from their successes. In a word, they must have responsible government, but they must realize that it can alone be maintained by a responsible people.

To lead the people of Canada out of the wilderness, it was essential that Lord Sydenham should gain their confidence. This his experience and combination of personal qualities enabled him to secure in a remarkable degree. His assurance and self-confidence awakened interest and inspired hope, while his sound judgment and the fortunate results which followed the adoption of his counsels, rapidly extended his influence and insured successful leadership. It requires only a glance at the men who rallied to his support, as his administration advanced, to realize that his leadership attracted

CHARACTERISTICS

the strongest men of sound judgment and moderate views.

While Lord Sydenham had unlimited self-confidence, he was the very reverse of arrogant or dictatorial. The inevitable attractiveness of personal intercourse with him, so frequently commented upon by both friends and opponents, was due to his tactful and sympathetic treatment of men, and his capacity to appreciate their qualities and enlist their interest. Once he had assured himself of the presence of exceptional natural gifts and their capacity for effective public service, he endeavoured, usually with success, to enlist them in the service of the State, allowing them the freest possible scope, thus insuring at once efficiency and enthusiasm in the public service.

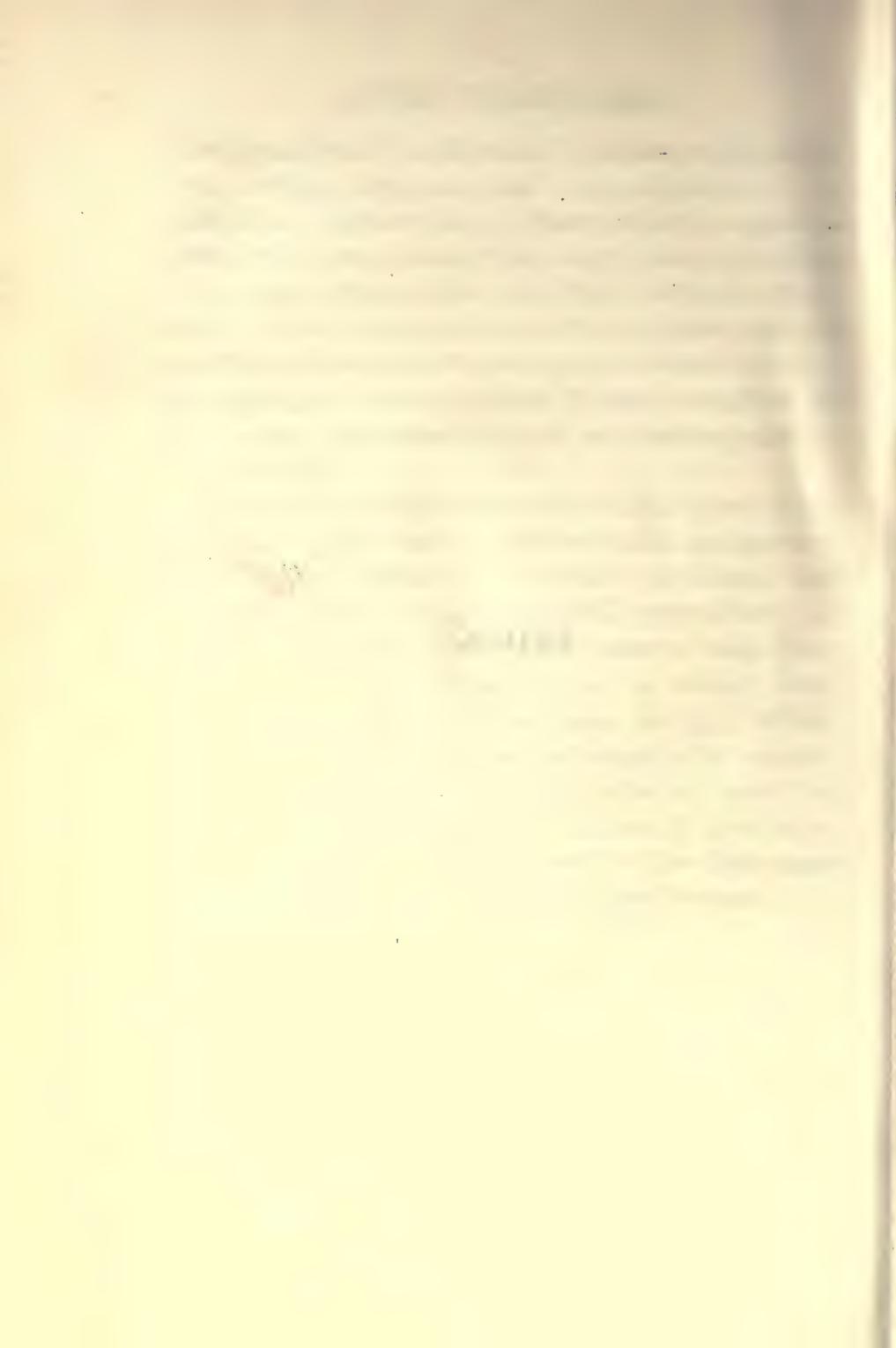
Notwithstanding the intense prejudices of the leaders of the French-Canadians against the policy of the union, with which Lord Sydenham was so completely identified from the opening of the first session when he first came into contact with the majority of the French members, he steadily grew in favour with them. His complete command of the French language, his personal charm of manner, his knowledge of French characteristics and his sympathy with them, made rapid inroads upon their initial prejudices. Thus, when his successor, Sir Charles Bagot, arrived in Canada, he was able to report that not only was the whole country in a condition of unparalleled tranquillity, but that

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the opposition of the French-Canadians to the union was melting away, as also their devotion to the anti-union leaders who, in their anxiety to demonstrate their zeal, were "more loyal than the King and more catholic than the Pope." Shortly afterwards, to the alarm of Lord Stanley the colonial secretary, Governor Bagot reported the advisability of admitting several of the French members to the cabinet, and that without any new appeal to the country.

It fell to Lord Sydenham's lot to bring to a close the old régime with its absolute racial antagonism and its party division of loyalists and rebels, and to open a new era of responsible government in which it was possible for both races to take their share in the government, and in which both government and opposition were brought within the pale of loyal Canadian citizenship. In accomplishing this he was required to be at once the last and most powerful of the autocratic governors, and the first and most influential of the diplomatic representatives under responsible government.

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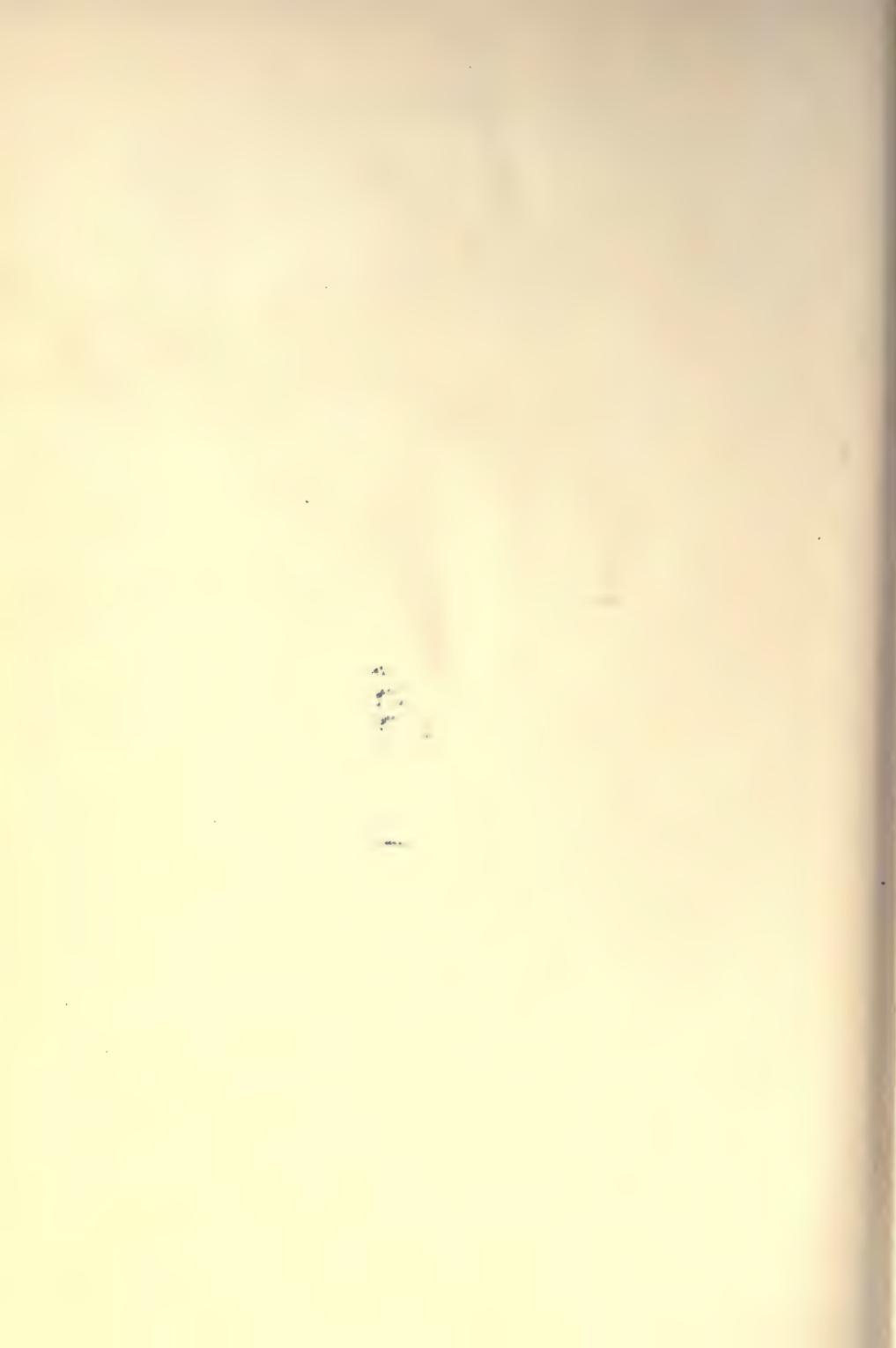
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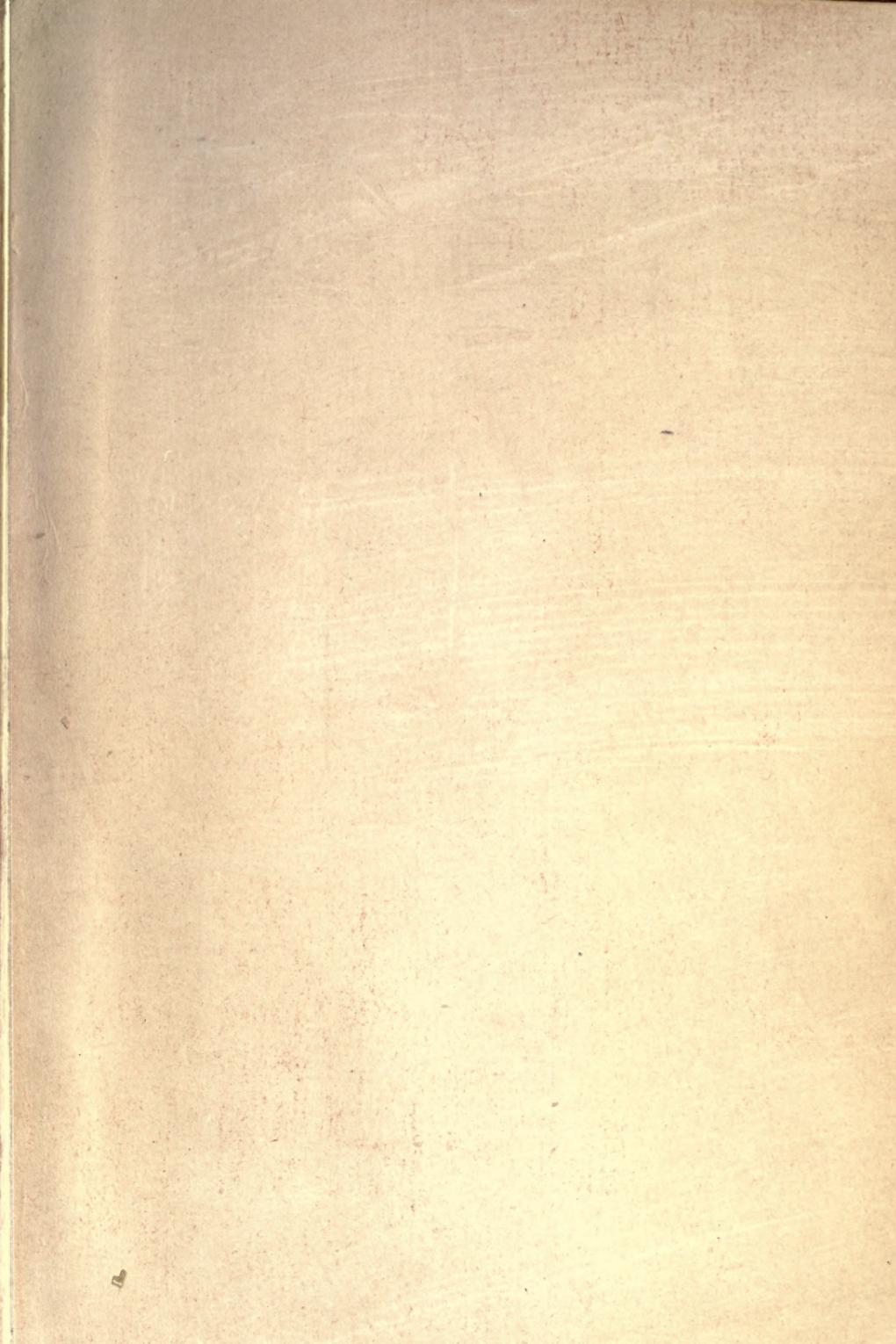
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